

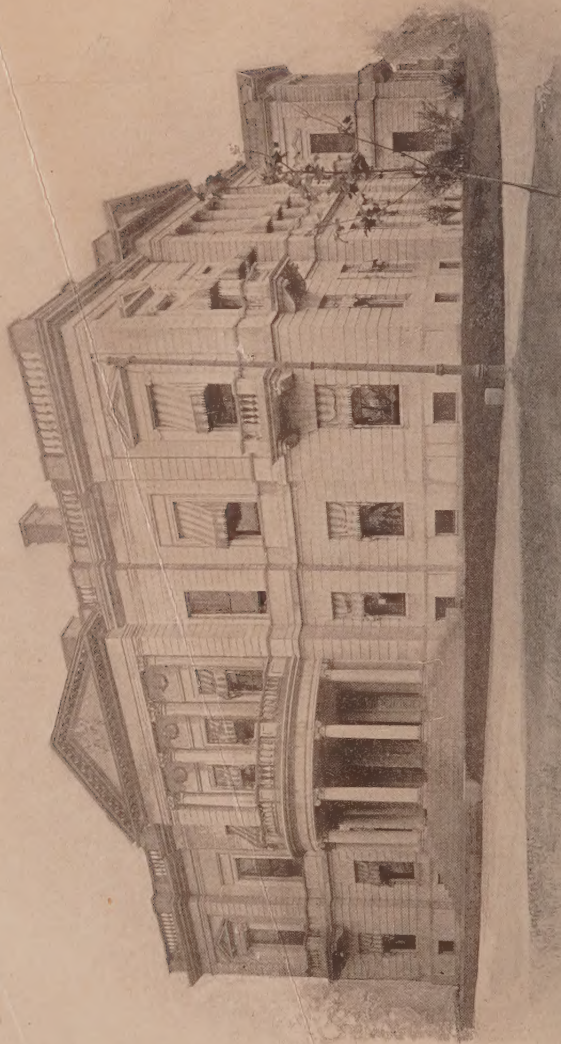
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PENNSYLVANIA ARCHIVES.

Fourth Series.

PAPERS OF THE GOVERNORS.





EXECUTIVE AND STATE LIBRARY BUILDING, HARRISBURG, PA.

PENNSYLVANIA ARCHIVES

Fourth Series

EDITED BY

GEORGE EDWARD REED, LL.D.

UNDER THE DIRECTION OF

HON. W. W. GRIEST

SECRETARY OF THE COMMONWEALTH.

VOLUME XII.

PAPERS OF THE GOVERNORS.

1897-1902.



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HARRISBURG:

THE STATE OF PENNSYLVANIA.

WM. STANLEY RAY, STATE PRINTER.

1902.



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Daniel A. Hastings

DANIEL HARTMAN
HASTINGS,
Governor of the Common-
wealth.
1895-1899.

CONTINUED



PENNSYLVANIA ARCHIVES.

Fourth Series.

Chapter I.

Daniel Hartman Hastings,

Governor of the Commonwealth.

1895-99.

(CONTINUED.)

To the Senate Nominating Members of the Board of
Medical Examiners Representing the Medical So-
ciety of the State of Pennsylvania.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, January 5, 1897.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE
honor hereby to nominate for the advice and con-
sent of the Senate the following named gentle-
men to be members of the board of medical examiners
representing the Medical Society of the State of Penn-
sylvania, for the terms set opposite their names re-
spectively, to compute from March 1, 1896:

Winters D. Hamaker, M. D., Meadville, three years.

Allen H. Hulshizer, M. D., Philadelphia, three years.

DANIEL H. HASTINGS.

To the Senate Nominating Members of the Board of
Medical Examiners Representing the Homeopathic
Medical Society of the State of Pennsylvania.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, January 5, 1897.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate the following named gentlemen to be members of the board of examiners representing the Homeopathic Medical Society of the State of Pennsylvania, for the terms set opposite their names respectively, to compute from March 1st, 1896:

Joseph C. Guernsey, M. D., Philadelphia, three years.

Edward Cranch, M. D., Erie, three years.

DANIEL H. HASTINGS.

To the Senate Nominating Members of the Board of
Medical Examiners Representing the Eclectic Medical
Society of the State of Pennsylvania.”

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, January 5, 1897.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate the following named gentlemen to be members of the board of medical examiners representing the Eclectic Medical Society of the State

of Pennsylvania, for the term set opposite their names respectively, to compute from March 1st, 1896:

M. A. Kirk, M. D., Bellefonte, three years.

William Rauch, Johnstown, three years.

DANIEL H. HASTINGS.

To the Senate Nominating Alexander G. Morris a
Manager of the State Industrial Reformatory at
Huntingdon.

Commonwealth of Pennsylvania,

Executive Chamber,

Harrisburg, January 5, 1897.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate Alexander G. Morris, of Tyrone, to be member of the board of managers of the State Industrial Reformatory, at Huntingdon, for the term of ten years, to compute from May 15, 1896.

DANIEL H. HASTINGS.

To the Senate Nominating Members of the College
and University Council.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, January 5, 1897.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate the following named gentlemen to be members of the College and University Council, for the term of four years, to compute from October 1st, 1895, viz:

George W. Atherton, State College.

C. C. Harrison, Philadelphia.

W. J. Holland, Pittsburg.

T. L. Seip, Allentown.

J. D. Moffat, Washington.

George Edward Reed, Carlisle.

Edward Brooks, Philadelphia.

J. M. Coughlin, Wilkes-Barre.

G. M. Philips, West Chester.

DANIEL H. HASTINGS.

To the Senate Nominating Members of the State
Board of Veterinary Medical Examiners.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, January 5, 1897.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate the following named gentlemen to be members of the State Board of Veterinary

Medical Examiners for the terms set opposite their names respectively, to compute from the first Monday in September, 1895:

J. C. McNeil, Pittsburg, two years.

Harry Walter, Wilkes-Barre, two years.

W. Horace Hoskins, Philadelphia, three years.

Simon J. J. Harger, Philadelphia, three years.

J. W. Sallade, Pottsville, for the term of three years, from the first Monday in September, 1896.

DANIEL H. HASTINGS.

To the Senate Nominating Members of the State
Board of Undertakers.

Commonwealth of Pennsylvania,

Executive Chamber,

Harrisburg, January 5, 1897.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate the following named gentlemen to be members of the State Board of Undertakers for the terms set opposite their names respectively, to compute from October 16, 1895:

J. Lewis Good, Philadelphia, three years.

A. P. Burton, Erie, two years.

E. S. Miller, Reading, four years.

John S. Flannery, Pittsburg, five years.

Charles W. Naulty, Philadelphia, for the term of three years, from October 16, 1896.

DANIEL H. HASTINGS.

To the Senate Nominating Trustees of the State Lunatic Hospital at Harrisburg.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, January 5, 1897.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate the following named gentlemen to be trustees of the Pennsylvania State Lunatic Hospital at Harrisburg, for the term of three years, from the date set opposite their names, respectively:

Peter E. Buck, Ashland, April 6, 1896.

William K. Alricks, Harrisburg, April 6, 1896.

Louis W. Hall, Harrisburg, April 6, 1896.

Alexander Craig, M. D., Columbia, April 7, 1896.

Charles L. Bailey, Harrisburg, June 16, 1896.

David McM. Gregg, Reading, June 16, 1896.

Spencer C. Gilbert, Harrisburg, October 25, 1896.

DANIEL H. HASTINGS.

To the Senate Nominating Trustees of the State Hospital for the Insane at Warren.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, January 5, 1897.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate the following named gentlemen to be trustees of the State Hospital for the Insane at Warren, for the term of three years from the date set opposite their names respectively:

R. B. Stone, Bradford, October 1, 1895.

T. J. Smiley, Titusville, October 1, 1895.

O. C. Allen, Warren, December 24, 1895.

W. H. Osterhout, Ridgway, June 10, 1896.

S. R. Mason, Mercer, June 10, 1896.

S. W. Waters, Warren, June 10, 1896.

DANIEL H. HASTINGS.

To the Senate Nominating Trustees of the Hospital
for the Insane at Danville.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, January 5, 1897.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate the following named gentlemen to be trustees of the State Hospital for the Insane at Danville, for the term of three years from the date set opposite their names respectively:

Gideon M. Shoop, Danville, June 9, 1896.

Thomas Chalfant, Danville, June 9, 1896.

E. W. M. Low, M. D., Berwick, June 9, 1896.

DANIEL H. HASTINGS.

To the Senate Nominating Trustees of the Home for
the Training in Speech of Deaf Children Before
They Are of School Age, Located at Philadelphia.

Commonwealth of Pennsylvania.

Executive Chamber.

Harrisburg, January 5, 1897.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE
honor hereby to nominate for the advice and con-
sent of the Senate the following named gentle-
men to be trustees of the Home for the Training in
Speech of Deaf Children before they are of School Age,
located at Philadelphia, for the term of two years from
the date set opposite their names respectively:

Alfred C. Travis, Haverford, July 14, 1895.

S. Edwin Megargue, Philadelphia, July 14, 1896.

DANIEL H. HASTINGS.

To the Senate Nominating Ernest LaPlace a Mem-
ber of the State Quarantine Board for the Port of
Philadelphia.

Commonwealth of Pennsylvania.

Executive Chamber.

Harrisburg, January 5, 1897.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE
honor hereby to nominate for the advice and con-
sent of the Senate Ernest LaPlace, M. D., of Phila-
delphia, to be a member of the State Quarantine Board
for the Port of Philadelphia, for the term of two years,
to compute from July 1, 1895.

DANIEL H. HASTINGS.

To the Senate Nominating Members of the State
Board of Health and Vital Statistics.

Commonwealth of Pennsylvania.

Executive Chamber,

Harrisburg, January 5, 1897.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate the following named gentlemen to be members of the State Board of Health and Vital Statistics, for the term of six years from the date set opposite their names, respectively:

S. T. Davis, M. D., Lancaster, July 1, 1895.

Richard Y. Cook, Philadelphia, July 1, 1895.

DANIEL H. HASTINGS.

To the Senate Nominating Members of the State
Pharmaceutical Examining Board.

Commonwealth of Pennsylvania.

Executive Chamber.

Harrisburg, January 5, 1897.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate the following named gentlemen to be members of the State Pharmaceutical Examining Board, for the term of five years, to compute from the date set opposite their names respectively:

Charles T. George, Harrisburg, June 23, 1895.

F. A. Boericke, Philadelphia, September 2, 1895.

Louis Emanuel, Pittsburg, June 22, 1896.

DANIEL H. HASTINGS.

To the Senate Nominating State Fishery Commissioners.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, January 5, 1897.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following named gentlemen to be State Fishery Commissioners, for the term of three years from the date set opposite their names, respectively:

Henry C. Demuth, Lancaster, July 15, 1895.

D. P. Corwin, Pittsburg, July 15, 1896.

James A. Dale, York, July 15, 1896.

James W. Correll, Easton, to serve from September 24, 1896, vice Henry C. Ford, deceased, until July 15, 1898.

DANIEL H. HASTINGS.

To the Senate Nominating John F. Budke a Manager of the Pennsylvania Reform School at Morganza.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, January 5, 1897.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, John F. Budke, of Canonsburg, to be a manager of the Pennsylvania Reform School at Morganza, to serve from April 9, 1896, until May 15, 1899, vice Thomas McKennan, deceased.

DANIEL H. HASTINGS.

To the Senate Nominating Trustees of the Cottage
State Hospital at Connellsville.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, January 5, 1897.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following named gentlemen to be trustees of the Cottage State Hospital, at Connellsville, from June 9, 1896, until lawfully determined or annulled:

Dr. James B. Ewing, Uniontown, vice J. J. Singer, removed.

Harris S. Spear, Connellsville, vice James McGee, removed.

Henry Huston, Connellsville, vice Peter Wise, removed.

DANIEL H. HASTINGS.

To the Senate Nominating Trustees of the State Asylum for the Chronic Insane at Wernersville.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, January 5, 1897.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following named gentlemen to be trustees of the State Asylum for the Chronic Insane at Wernersville, to serve until the date set opposite their names, respectively:

Joseph L. Lemberger, Lebanon, June 12, 1897.
Horace Brock, Lebanon, June 12, 1897.
George F. Baer, Reading, June 12, 1897.
Henry M. Dechert, Philadelphia, June 12, 1898.
J. B. Kremer, Carlisle, June 12, 1898.
Savery Bradley, Philadelphia, June 12, 1898.
Arnold Kohn, Philadelphia, June 12, 1899.
Thomas P. Merritt, Reading, June 12, 1899.
Jacob M. Shenk, Lebanon, June 12, 1899.

DANIEL H. HASTINGS.

To the Senate Nominating Will B. Powell a Member
of the Board of Agriculture.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, January 5, 1897.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Will B. Powell, of Shadeland, to be a member of the State Board of Agriculture, to serve from fourth Wednesday of January, 1896, until fourth Wednesday of January, 1899.

DANIEL H. HASTINGS.

To the Senate Nominating Trustees of the State Hospital for the Insane at Norristown.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, January 5, 1897.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following named gentlemen to be trustees of the State Hospital for the Insane, at Norristown, for the term of three years from the date set opposite their names, respectively:

John Jones, Norristown, June 27, 1895.

John G. Prizer, Schwenksville, October 10, 1895.

Frank L. Smith, Norristown, January 29, 1896.

Joseph Thomas, Quakertown, July 8, 1896.

Thomas Bradley, Philadelphia, July 8, 1896.

DANIEL H. HASTINGS.

To the Senate Nominating George M. Davies a Trustee of the State Hospital for Injured Persons of the Anthracite Coal Region at Ashland.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, January 5, 1897.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, George M. Davies, of Lansford, to be a trustee of the State Hospital for Injured Persons of the Anthracite Coal Region of Pennsylvania, at Ashland, from July 9, 1895.

DANIEL H. HASTINGS.

To the Senate Nominating Arthur McClelland a
Trustee of the State Hospital of the Middle Coal
Field at Hazleton.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, January 5, 1897.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE
honor hereby to nominate for the advice and con-
sent of the Senate, Arthur McClelland, of Drifton,
to be a trustee of the State Hospital of the Middle Coal
Field, of Pennsylvania, at Hazleton, vice Daniel Coxe,
deceased, from August 18, 1896.

DANIEL H. HASTINGS.

To the Senate Nominating Trustees of the State Insti-
tution for Feeble-Minded Children of Western
Pennsylvania.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, January 5, 1897.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE
honor hereby to nominate for the advice and con-
sent of the Senate, the following named gentlemen
to be trustees of the State Institution for Feeble
Minded Children of Western Pennsylvania, at Polk, for
the term set opposite their names respectively, to com-
pute from May 1, 1896:

John J. Spearman, Sharon, one year.

John A. Wiley, Franklin, one year.

Alexander E. Patton, Curwensville, two years.

S. M. Jackson, Apollo, three years.

Norman Hall, Sharon, three years.

William T. Bradberry, Allegheny, to serve from June 1, 1896, until May 1, 1898.

DANIEL H. HASTINGS.

To the Senate Nominating State Game Commissioners.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, January 5, 1897.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following named gentlemen to be members of the Board of Game Commissioners, for the terms set opposite their names, respectively, to compute from November 17, 1896:

Irving A. Stearns, Wilkes-Barre, one year.

Charles Heebner, Philadelphia, one year.

E. B. Westfall, Williamsport, two years.

James H. Worden, Harrisburg, two years.

Coleman K. Sober, Lewisburg, three years.

William M. Kennedy, Allegheny, three years.

DANIEL H. HASTINGS.

To the Senate Nominating Commissioners of the
Board of Public Charities.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, January 5, 1897.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following named gentlemen to be commissioners of the Board of Public Charities, for the term of five years from the date set opposite their names, respectively:

William B. Gill, Philadelphia, June 19, 1896.

Charles Miller, Franklin, June 19, 1896.

George W. Ryon, Shamokin, November 6, 1896.

Isaac Johnson, Media, vice W. B. Lamberton, resigned, under act of May 8, 1883, to serve from August 20, 1896, until November 9, 1898.

DANIEL H. HASTINGS.

To the Assembly Transmitting the Proceedings of the
Commission to Open, Compute and Publish the
Returns of the Last General Election for State
Treasurer.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, January 5, 1897.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor to transmit herewith the proceedings of the commission to open, compute and publish the returns of the votes cast for the office of State Treasurer, at the general election, held November 5, 1895.

DANIEL H. HASTINGS.

To the Senate Nominating John A. Wiley Brigadier
General of the Second Brigade of the National
Guard.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, January 19, 1897.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE
honor hereby to nominate for the advice and con-
sent of the Senate, John A. Wiley, of Franklin, to
be Brigadier General of the Second Brigade of the Na-
tional Guard of Pennsylvania, to rank as such from
January 25th, 1887, for the term of five years from Jan-
uary 25th, 1897.

DANIEL H. HASTINGS.

To the Senate Nominating Leonard Rhone a Member
of the Board of Agriculture.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, January 19, 1897.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE
honor hereby to nominate for the advice and con-
sent of the Senate, Leonard Rhone, of Centre Hall,
to be a member of the State Board of Agriculture for
the term of three years, to compute from the fourth
Wednesday of January, 1897.

DANIEL H. HASTINGS.

To the Senate Nominating Members of the Board of Medical Examiners Representing the Medical Society of the State of Pennsylvania.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, January 19, 1897.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following named gentlemen to be members of the Board of Medical Examiners, representing the Medical Society of the State of Pennsylvania, for the term of three years, to compute from March 1, 1897:

Samuel W. Latta, M. D., Philadelphia.

Henry Beates, Jr., M. D., Philadelphia.

Joseph K. Weaver, M. D., Norristown.

DANIEL H. HASTINGS.

To the Senate Nominating E. W. Echols a Trustee of the State Institution for the Feeble-Minded of Western Pennsylvania.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, January 20, 1897.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, E. W. Echols, of Franklin, to be a trustee of the State Institution for Feeble-Minded of Western Pennsylvania, at Polk, to serve until May 1, 1898.

DANIEL H. HASTINGS.

To the Senate Nominating J. F. Cooper, M. D., a Member of the Board of Medical Examiners Representing the Homeopathic Medical Society of Pennsylvania.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, January 20, 1897.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, J. F. Cooper, M. D., of Allegheny, to be member of the State Board of Medical Examiners, representing the Homeopathic Medical Society of Pennsylvania, for the term of three years.

DANIEL H. HASTINGS.

To the Senate Nominating David S. Scott Magistrate of Court No. 6, of the City of Philadelphia.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, January 20, 1897.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, David S. Scott, of Philadelphia, to be magistrate of Court No. 6, city of Philadelphia, vice James A. Carr, deceased, to serve until the first Monday in May, 1897.

DANIEL H. HASTINGS.

To the Senate Nominating Members of the Board of
Medical Examiners Representing the Homeopathic
Medical Society of Pennsylvania.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, January 20, 1897.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE
honor hereby to nominate for the advice and con-
sent of the Senate, the following named gentlemen
to be members of the State Board of Medical Examin-
ers, representing the Homeopathic Medical Society of
Pennsylvania for the term of three years.

Isaac G. Smedley, M. D., Philadelphia.

John J. Detweiler, M. D., Easton.

DANIEL H. HASTINGS.

To the Senate Nominating John A. M. Passmore a
Trustee of the State Asylum for the Chronic Insane
at Wernersville.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, February 2, 1897.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE
honor hereby to nominate for the advice and con-
sent of the Senate John A. M. Passmore, of Philadel-
phia, to be trustee of the State Asylum for the Chronic
Insane, at Wernersville, to serve until June 12, 1897,
vice George F. Baer, resigned.

DANIEL H. HASTINGS.

To the Senate Concerning Provisions for the Temporary Accommodation of the Assembly Owing to the Destruction of the Capitol Buildings.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, February 4, 1897.

THE UNFORTUNATE DESTRUCTION BY FIRE on the second instant, of that part of the Capitol building occupied by your honorable bodies, has imposed upon the Commission of Public Buildings and Grounds the duty of providing temporary accommodations for the holding of the sessions of the General Assembly. To that end and with the concurrence of committees from both branches of the Legislature, the Board has accepted a voluntary tender upon the part of Grace Methodist Church of their church edifice and annex for that purpose. It is believed that these buildings, located as they are convenient to the Executive Department, with such interior furnishings as may be necessary, will prove acceptable to your honorable bodies, and I have the honor to advise you that contracts have been made for the fitting up and furnishing of said buildings for the purpose for which they are to be used, and that they will be in readiness for the occupancy of both branches of the Legislature at nine o'clock on Monday evening next, the eighth instant.

DANIEL H. HASTINGS.

To the Senate Nominating George F. Davenport a
Trustee of the State Institution for Feeble-Minded
of Western Pennsylvania.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, February 4, 1897.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE
honor hereby to nominate for the advice and con-
sent of the Senate, George F. Davenport, of Mead-
ville, to be a trustee of the State Institution for Feeble
Minded of Western Pennsylvania, at Polk, to serve
until the first Monday in May, 1897, vice George W.
Haskins, resigned.

DANIEL H. HASTINGS.

To the Senate Nominating Thomas B. Simpson a
Trustee of the State Institution for Feeble-Minded
Children of Western Pennsylvania.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, February 10, 1897.

Gentlemen:

IN CONFORMITY WITH LAW, I HAVE THE
honor hereby to nominate for the advice and con-
sent of the Senate, Thomas B. Simpson, of Oil
City, to be trustee of the State Institution for Feeble
Minded of Western Pennsylvania, to serve until May
1st, 1899.

DANIEL H. HASTINGS.

To the Senate Nominating George Whyel a Member
of the Board of Examiners of Candidates for Posi-
tion of Mine Inspector.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, February 10, 1897.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE
honor hereby to nominate for the advice and con-
sent of the Senate, George Whyel, of Perryopolis, Pay-
ette county, to be a member of the board of examiners
to examine applicants for the position of mine inspec-
tors for the bituminous districts of Pennsylvania, to
serve for the term of four years from March 1, 1897.

DANIEL H. HASTINGS.

To the Senate Nominating Members of the Board of
Examiners of Candidates for the Position of Mine
Inspector.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, February 10, 1897.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE
honor hereby to nominate for the advice and con-
sent of the Senate, the following named gentlemen
to be members of the board of examiners to examine
applicants for the position of mine inspector for the
bituminous districts of Pennsylvania, to serve for the
term of four years from March 1, 1897:

A. V. Hoyt, engineer, Philipsburg.

George L. Miller, engineer, Bitumen.

Henry Gage, miner, South Fork.

Joseph Williams, miner, Lindsay.

DANIEL H. HASTINGS.

Veto of a Joint Resolution Requesting the Pennsylvania Senators and Representatives in Congress to Press Measures Favorable to the Cessation of Cuban Troubles.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, February 27, 1897.

I HEREWITH RETURN, WITHOUT MY APPROVAL, Concurrent Resolution No. 5 of the House and Senate and originating in the House. My approval of this resolution is withheld for the sole reason that on the 16th day of February, 1897, I approved a resolution identical in spirit and similar in language. The resolution herewith returned is dated February 18, 1897, two days after my approval of the previous resolution on the same subject. Inasmuch as the sentiment of your honorable bodies is set forth in the first resolution and is not modified or enlarged in the second, it seems unnecessary and is perhaps an oversight.

DANIEL H. HASTINGS.

Veto of a Joint Resolution Providing that in the Construction of a New Capitol all the Material be of Pennsylvania Origin and All the Laborers Employed be Citizens of the Commonwealth.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., March 1, 1897.

I HEREWITH RETURN WITHOUT MY APPROVAL, Concurrent Resolution bearing date February 22d, 1897.

The resolution provides first, that all materials of every kind and character used in the construction of the proposed Capitol building or buildings shall be of Pennsylvania product, whether natural or manufactured, and, secondly, that all architects, contractors and laborers employed, whether skilled or unskilled, in and about the erection and construction of the proposed new Capitol building or buildings shall be citizens of Pennsylvania.

I am unable to concur either in the purpose or spirit of this resolution. To forbid by law the citizens of other states competing with the citizens of our own State is unfair to both. Pennsylvania is perhaps more richly endowed by nature than any other State with the materials that would necessarily enter into the construction of our Capitol buildings. The development of our native wealth and energies has given us numberless artisans, skilled in every branch of human employment. The products of our mines and factories find a market in every State in the Union, thus giving increased and increasing employment to the labor and capital of our people. It would therefore seem to be most unwise, from a strictly business standpoint, to exclude the citizens of other States from competing with our own people for our public work, when it is so manifestly to our interest that the citizens of Penn-

sylvania should be permitted to complete freely for the work, both public and private, of other States. If we draw a line around our borders, forbidding the citizens of other states to come into competition with our laborers, skilled and unskilled, and halt at our gates the stone, the iron and other materials entering into the construction of our public buildings, other States may do likewise and the result would work greater injury to ourselves than to them.

But, apart from and above our own business interests, the resolution is sectional and un-American in spirit. A nation may, and often does, by governmental regulations and statutes, grant privileges to its own citizens not allowed to citizens of other nations, but parts of the same nation ought not to be permitted to discriminate against each other. No American citizen can be an alien in any state in the Union. He is a citizen of the nation, and the spirit of our government and its laws does not favor legislation giving the people of any one State exclusive rights and privileges because they are citizens of such State. No principle has been more clearly established than this, nor at greater cost. The rights of all American citizens were guaranteed to them by the Constitution of the United States in the provision that the citizens of each State shall be entitled to all privileges and immunities of citizens of the several States.

DANIEL H. HASTINGS.

To the Senate Vetoing a Joint Resolution Providing for a Joint Committee of the Senate and House to Act in Conjunction with the Commission for the Construction of the Western Pennsylvania State Institution for the Feeble-Minded.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, February 19, 1897.

I HEREWITH RETURN WITHOUT MY APPROVAL concurrent resolution No. 7 of the Senate and House and originating in the Senate.

The preamble of this resolution recites that the work of construction of the Western Pennsylvania State Institution for the Feeble Minded is completed, that a statement of the claims of the contractor is desired by the Commission appointed by the Governor to erect the necessary buildings, and that the commission desires that a joint committee of the Senate and House of Representatives should act with them in effecting such a settlement with the contractor "as may be just and equitable for the interests of all concerned." The resolution itself provides for the appointment of a committee consisting of two members of the Senate and three members of the House to act in conjunction with the commission "with power to finally adjust and settle such claims as may be found due the contractor for the construction of said institution and for grading and other work in connection with the same."

By act of Assembly approved June 3, 1893, the Governor was authorized to appoint five commissioners to select a site and build an institution for the accommodation of the feeble-minded children of Western Pennsylvania. The commissioners were duly appointed, selected a site at Polk, in Venango county, and entered into a written contract under date of September 15, 1894, with one C. A. Balph, of the city of Pittsburg,

for the erection of the necessary buildings at a price in such contract named. By the provisions of the act of Assembly full and ample powers are conferred upon the commissioners to make such contract, and upon its performance and full completion of the buildings, to surrender the institution to a board of trustees to consist of nine members appointed by the Governor by and with the advice and consent of the Senate. The contract made by the commissioners provides that the work shall be done under the direction and to the satisfaction of the commissioners and their architect, and under the immediate direction of a superintendent of construction selected by said commissioners. The superintendent appointed by the commissioners had the right to inspect and examine the material to be used, the workmanship and manner of construction, and in case of a dispute arising between the contractor and superintendent, the same was to be referred to the architect for decision, subject to an appeal to the commissioners, whose decision should be final and conclusive. It was further provided that the plans and specifications should form part and parcel of the contract, and no changes should be made in them without the written consent of the commissioners, approved by the State Board of Charities. The contractor agreed further to make no claim for additional work unless the same should be done in pursuance of a written order from the architect, countersigned by the commissioners, or a majority of them, and approved by the Board of Charities.

It is proposed by the concurrent resolution that the committee provided for it shall, in conjunction with the commission, have "power to finally adjust and settle such claims as may be found due the contractor for the construction of said institution and for grading and other work in connection with the same." It will be observed that the commissioners are vested by the

act of Assembly creating them with the responsibility of selecting the site, making the contract for the erection of the buildings, and receiving it from the hands of the contractor upon completion. The addition of two members of the Senate and three members of the House of Representatives would, therefore, seem to be wholly unnecessary and an unwarranted interference with the **commission created by law.**

But the resolution is, to my mind, very objectionable upon another ground. It is the evident meaning of the resolution to confer upon the committee to be appointed and the commission already appointed, the power to increase the sum to be paid to the contractor if, in their judgment, it would be just and equitable to do so. This I believe to be an infringement of section 11 of Article III of the Constitution, which provides that "No bill shall be passed giving any extra compensation to any public officer, servant, employe, agent or contractor after services shall have been rendered or contract made, nor providing for the payment of any claims against the Commonwealth without previous authority of law."

Legislation like this is of the most dangerous character. It opens the door to the claims of all characters for public work for extra compensation. If the bidder for the erection of public buildings or other work to be performed for the State be permitted to enter into a contract at a certain price with the knowledge that he will have the opportunity to go to the Legislature for additional compensation in case his contract proves unprofitable, competitive bidding would become unfair for the reason that those persons who possess political or other influence would have the advantage of those who do not. To make such a condition of things impossible I have no doubt the section above cited was made part of the Constitution. I can-

not give my assent to a resolution which would form so bad a precedent.

DANIEL H. HASTINGS.

To the Senate Nominating Commissioners of the
Board of Public Charities.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, February 24, 1897.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate the following named persons to be commissioners of the Board of Public Charities to serve for the term of five years, to date from February 19, 1897:

George W. Starr, Erie.

Henry M. Boise, Scranton.

DANIEL H. HASTINGS.

To the Senate Nominating Samuel H. Miller a Trustee of the State Institution for Feeble-Minded Children of Western Pennsylvania.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, February 24, 1897.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Samuel H. Miller, of Mercer, to be trustee of the State Institution for Feeble Minded

Children of Western Pennsylvania, at Polk, to serve until May 1, 1899, vice Norman Hall, resigned.

DANIEL H. HASTINGS.

To the Senate Nominating Trustees of the Cottage State Hospital for Injured Persons of the Bituminous and Semi-Bituminous Coal Regions at Blossburg."

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, March 2, 1897.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate the following named gentlemen to be trustees of the Cottage State Hospital for Injured Persons of the Bituminous and Semi-Bituminous Coal Regions of Pennsylvania, at Blossburg:

Frank H. Dartt, Arnot, vice Richard Townsend, Dobson, deceased.

Aaron B. Niles, Wellsboro, vice John Vandyke, deceased.

A. Lee Smith, Blossburg, vice H. J. Landrus, deceased.

DANIEL H. HASTINGS.

To the Senate Nominating Trustees of the State Hospital for the Insane at Danville.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, March 2, 1897.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate the following named gentlemen to be trustees of the State Hospital for the Insane, at Danville, for the term of three years from the date set opposite their names, respectively:

William D. Himmelreich, Lewisburg, July 1, 1896.

B. H. Detweiler, Williamsport, February 24, 1897.

B. H. Throop, Scranton, February 24, 1897.

Charles S. Miner, Honesdale, February 24, 1897.

Olin F. Harvey, Wilkes-Barre, February 24, 1897.

Isaac X. Grier, Danville, February 24, 1897.

DANIEL H. HASTINGS.

To the Assembly Concerning the Erection of Buildings for the Temporary Accommodation of the Legislative Bodies Necessitated by the Recent Destruction of the State Capitol by Fire.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., March 11, 1897.

THE PRESSING NECESSITY FOR LEGISLATIVE action providing for the erection of a capitol building suitable for the meetings of the General Assembly prompts me respectfully to call your attention to the emergency confronting us. The fire of

February 2d, 1897, having destroyed the main capitol building, your honorable bodies are now occupying quarters which are necessarily only temporary. A difference of opinion naturally exists among the people as well as among the members of your honorable bodies as to what should be done and the manner of doing it. To erect a single building, of such ample proportions as would be necessary to accommodate all the departments of the State Government, is advocated by some, whilst others believe that the better plan would be to erect a group of buildings for the accommodation of the General Assembly and the several departments of the State government. A single building of sufficient size would, in all probability, require many years for its completion and all agree that the cost would be very great. To adopt the other plan, viz: that of a group of buildings, each suitable for a specific department, appears to meet with more general approval. The cost, I am advised, would not be nearly so great and the effect, from an architectural standpoint, scarcely less imposing. This would be to follow, with such improvements as might be suggested, the existing plan of separate buildings, which have been found convenient and satisfactory except for the increasing demand for additional room made necessary by the growth of our population and business interests. It will be conceded by all that whatever plan may be adopted, we should keep in view the probable public needs for at least a century to come.

After a somewhat careful study of the question, I have reached the conclusion that the public interest will be best served by erecting first, a building suitable for the meetings of the General Assembly, with enlarged accommodations for its officers and committees, and, subsequently, as a part of the same general plan and as the finances of the State will permit, to replace the buildings now occupied by the Department of Inter-

nal Affairs, Agricultural Departments, Adjutant General's office, Banking, Insurance and other departments. It is manifest that the several buildings now occupied by these departments of the State government cannot at one time be torn down and replaced without most serious inconvenience and interruption of the public business, to say nothing of the lack of funds available or obtainable for such purpose. The records in these departments—particularly in the Department of Internal Affairs and the Adjutant General's office—are most valuable, and those not in immediate daily use should, at the earliest practicable time, be stored in a fireproof building. A main capitol building for the meetings of the General Assembly should, in my judgment, be immediately put in course of erection, and completed in time for the session of the Legislature in 1899. It should be planned, I respectfully submit, with reference to the buildings to accommodate the other departments, subsequently to be erected, should be built of brick, stone and iron, fireproof in character, and, while preserving the Colonial style of architecture, should be in all respects such a capitol building as will comport with the dignity of the Commonwealth. In this building, when completed, could be found storage room for the records in the other departments above referred to, which are now in constant danger of loss from fire.

The Constitution has placed upon the law-making power such limitations as prevent the creation of debt for or on behalf of the Commonwealth, so that we are impelled from stern necessity to curtail the expenditure necessary for the erection of a public building as to be within the bounds of strict economy and our ability to pay as we go. The long-continued depressed condition of business warns us to avoid increased taxation. The present estimated revenues will not be sufficient to maintain the State establishment and give

such aid to our schools and charitable and penal institutions as they have the right to expect and which seem to be absolutely necessary. It is not wise to increase taxation unnecessarily, and thus encourage profligate expenditure of the public funds, even in times so prosperous that the citizens can afford to pay the taxes imposed, but, at a time when the wages of labor are at the lowest, the farm and the factory yielding little profit, and every department of business in a crippled condition, such taxation can be justified only when absolutely necessary. This contingency, in my opinion, has not arisen. I am advised that a new building, suitable for the General Assembly, and of such a character as will be entirely creditable to the Commonwealth can, by the utilization of the two millions or more of brick—the remains of the old building—be erected at a cost not exceeding \$550,000. Of this sum, we have realized nearly \$200,000 from the insurance policies upon the old capitol, leaving a deficit of about \$350,000, to be provided for by reduced expenditure, or by increased revenues as may seem best.

I, therefore, earnestly recommend to your honorable bodies that an act of assembly be passed authorizing the rebuilding of the main capitol of brick, stone and iron, fireproof in character, and colonial in style of architecture, by such authority as you may name, with power to engage an architect to make plans with reference to all the buildings contemplated, and direct the making of a contract in behalf of the State for the erection of the main capitol building, to be completed on or before January 1, 1899, at a cost not exceeding the sum named, and further, that the amount of insurance received by the State be specifically appropriated toward the cost of the new structure.

DANIEL H. HASTINGS.

To the Senate Nominating Jennings U. Kurtz Associate Judge for Columbia County.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, March 17, 1897.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Jennings U. Kurtz, of Berwick, to be associate judge for the county of Columbia, to serve until the first Monday in January following the next general election, vice Mordecai Millard, deceased.

DANIEL H. HASTINGS.

To the Senate Nominating Members of the Board of Medical Examiners Representing the Eclectic Medical Society of Pennsylvania.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, March 18, 1897.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate the following named gentlemen to be members of the State Board of Medical Examiners, representing the Eclectic Medical Society of Pennsylvania for the term of three years.

C. M. Ewing, M. D., Tyrone.

L. P. O'Neal, M. D., Mechanicsburg.

H. Yeagley, M. D., Lancaster.

DANIEL H. HASTINGS.

To the Assembly Concerning the Expenses Incurred
by the Furnishing of Temporary Accommodations
for the Legislature Nesessitated by the Burning of
the Capitol Building.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., March 18, 1897.

THE DESTRUCTION BY FIRE, ON FEBRUARY 2d, 1897, of the capitol building having made it necessary to provide temporary quarters for your honorable bodies, and the Grace Methodist Episcopal church having proffered the use of their church edifice as a temporary place of meeting, it became necessary to provide heat, light, desks and other furniture and equipments, also to construct and fit up committee rooms and other needed accommodations necessary for your use and convenience. This work was undertaken by the Board of Commissioners of Public Buildings and Grounds and promptly completed, so as to cause no interruption in your regular legislative sessions. The bills of expense for the same were rendered to the Board of Commissioners of Public Buildings and Grounds. Inasmuch as this is an extraordinary expenditure made in and about a private building, and not in and about the public grounds and buildings, and there being no provisions made by law for the payment of the same and the said board having no authority to pay the same, and no part thereof having been paid, the several accounts presented to the board are herewith submitted for such action as your honorable bodies may be pleased to take with reference thereto. In providing for the payment of such claims as may be justly due, it is suggested that there be taken into account such further cost for insurance, for the use of temporary quarters for several of the sub-divisions of the State Government that were de-

prived of their regular quarters by the fire and for the use and occupancy of the church edifice and such other incidental expenses as to your honorable bodies may be deemed right and proper.

DANIEL H. HASTINGS.

To the Senate Nominating Nathan C. Schaeffer Superintendent of Public Instruction.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, April 7, 1897.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Nathan C. Schaeffer, of Lancaster county, to be Superintendent of Public Instruction for the term of four years from April 1, 1897.

DANIEL H. HASTINGS.

To the Senate Nominating Trustees of the State Lunatic Hospital at Harrisburg.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, April 6, 1897.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate the following named persons to be trustees of the Pennsylvania State Lunatic Hospital at Harrisburg for the term of three years:

Samuel Small, York.

Charles H. Mullen, Mt. Holly Springs.

DANIEL H. HASTINGS.

Arbor Day Proclamation—1897.



IN THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania, Executive Department.

A PROCLAMATION.

THE CUSTOM OF ANNUALLY FIXING A DAY to be celebrated as Arbor Day has spread into every section of the country. The value of these celebrations has been abundantly manifest. In the State which claims the honor of having originated Arbor Day, more than three hundred and fifty million trees were planted during the first five years. The ceremonies incident to Arbor Day have created increasing interest in the growth and care of trees and have quickened the appreciation and importance of forest preservation. The necessity of covering with a new growth of trees the otherwise useless areas of our State is apparent in every section. To this end, our law makers have appropriate legislation in progress. Young and old, more than ever, appreciate that there is not a spot on earth which may not be made more beautiful by the help of trees and flowers. School grounds have been adorned, the surroundings of the home have been beautified, public parks have been multiplied and the landscapes and charming scenery of Pennsylvania may yet be made still more attractive. We are rapidly passing from a destructive to a constructive policy. We have learned the lesson that trees and the forests are essential to our continued prosperity and that he who plants a tree, whether boy or man, is a public benefactor.

In pursuance of the Joint Resolution of the General Assembly, requesting the Chief Executive to appoint annually a day to be designated as Arbor Day and in view of the fact that differences in latitude and altitude cause a difference in the seasons in different portions of the State, I, DANIEL H. HASTINGS, Governor of the Commonwealth of Pennsylvania, name and proclaim Friday, April ninth, and Friday, April twenty-third, as Arbor Days for the year of our Lord one thousand eight hundred and ninety-seven. Let the people choose the day which they deem best suited for tree-planting and teach the children how to select trees for fruit, for shade, for fuel and for timber, how to plant, protect and foster the several species of trees, vines, shrubs and flowers, and how to use all these for economic and aesthetic purposes. Let every pupil learn what the forests do, how they hold the rain and the snow, feed the springs and the rivers, stay the floods and the freshets and temper the summer's scorching sun and the winter's chilling blasts. In the orchard and the field, about the home and along the highway, upon the school grounds and on the barren hillsides let trees be planted for use and for beauty, thereby adding to the charms of life in beautiful Pennsylvania.



Given under my hand and the Great Seal of the State, this eighteenth day of March, in the year of our Lord one thousand eight hundred and ninety-seven, and of the Commonwealth one hundred and twenty-first.

DANIEL H. HASTINGS.

By the Governor:

Frank Reeder,

Secretary of the Commonwealth.

To the Assembly Vetoing a Joint Resolution Providing that the Senate and House of Representatives of Pennsylvania Attend the Dedication of the Grant Monument in a Body.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., April 14, 1897.

I RETURN HEREWITH, WITHOUT MY APPROVAL, concurrent resolution, concurred in by the House of Representatives, March 25th, 1897, and originating in the Senate. This resolution provides that the members of the Senate and House of Representatives attend in a body the dedication of a monument erected in memory of the late General U. S. Grant, in New York, to occur on April 27th, 1897.

By resolution of the House of Representatives, under date of April 5, 1897, accompanying the concurrent resolution above referred to, the Executive is requested to withhold his approval from said concurrent resolution for the reason that many members of the House who voted in favor of the same would not have done so had they properly understood the question. Upon this ground alone, therefore, I return the concurrent resolution without my approval.

DANIEL H. HASTINGS.

To the Senate Vetoing "An Act to Amend 'A Further Supplement to the Act Regulating Elections in this Commonwealth,' Amended by 'A Further Supplement to the Act Regulating Elections in this Commonwealth,' Extending the Power of the Several Courts of Common Pleas of the Commonwealth to Appoint Election Officers in Certain Cases."

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, April 20, 1897.

ON APRIL 17th, 1897, I RETURN WITHOUT MY approval Senate bill No. 6, being an act, entitled "An act to amend section 6 of the act, entitled 'A further supplement to the act regulating elections in this Commonwealth,' approved the 30th day of January, one thousand eight hundred and seventy-four, amended by the act, entitled 'An act to amend section 6 of the act, entitled 'A further supplement to the act regulating elections in this Commonwealth,' approved the 30th day of January, one thousand eight hundred and seventy-four, extending the power of the several courts of common pleas of the Commonwealth to appoint election officers in certain cases,' which amending act was approved the 18th day of May, one thousand eight hundred and ninety-three,"

My approval of said bill was withheld because no reference was made in the title to the amendments proposed. An opportunity was offered for the recall of the bill in order that the defect might be remedied. On Saturday, April 17th, the last day left for action thereon, I caused inquiry to be made in the Senate and House to ascertain whether a resolution of recall had been passed, and having received information that no action had been taken, the bill was vetoed.

This morning (April 20th, 1897), I am in receipt of a concurrent resolution passed finally on April 14th, 1897. This resolution, for some unknown reason, did not reach me until to-day.

Inasmuch as said concurrent resolution asking for the recall of the bill was passed on April 14th, and failed to reach me because of some oversight or neglect, I respectfully recall my message vetoing said Senate bill No. 6, and will regard the bill as having been recalled from the Executive as of the date of the passage of the concurrent resolution, to-wit: April 14th, 1897.

DANIEL H. HASTINGS.

To the Senate Vetoing a Joint Resolution Requesting the State Treasurer to Pay the Witness Fees of Witnesses Before the Joint Committee to Investigate the Condition of the Miners in the Anthracite and Bituminous Coal Districts."

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., April 20, 1897.

I RETURN HEREWITH, WITHOUT MY APPROVAL, concurrent resolution passed by the Senate and House of Representatives, April 14, 1897, and originating in the Senate, by the terms of which resolution the State Treasurer is requested to pay to the chairman of the joint committee appointed by the present Legislature to investigate the condition of the miners in the anthracite and bituminous coal districts of Pennsylvania respectively, the witness fees of the witnesses subpoenaed or to be subpoenaed by said committees, and that the same be paid on the warrant of the Auditor General on proper voucher approved by the Chairmen respectively of said committees.

The effect of this resolution is to appropriate moneys by virtue of a concurrent resolution of the two Houses of the General Assembly, and in my judgment is in conflict with section 1, article III of the Constitution, which provides that "No law shall be passed except by bill" * * * * and with section 4 of the same article of the Constitution, which provides that "Every bill shall be read at length on three different days in each House." In the passage of the concurrent resolution under consideration none of the above requirements of the Constitution have been complied with.

Furthermore, by section 15 of article III of the Constitution it is provided that "The general appropriation bill shall embrace nothing but appropriations for the ordinary expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, interest on the public debt and for public schools; all other appropriations shall be made by separate bills, each embracing but one subject." It is clearly implied by this provision of the Constitution, if not directly expressed, that the appropriations for the ordinary expenses of the Legislative Department of the Commonwealth must be contained in the general appropriation bill, and if this expenditure may be taken to be a part of such ordinary expenses, it should be therein contained. If it be not a part of the ordinary expenses of the Legislative Department, then the Constitution is mandatory that the appropriation shall be made by bill and cannot be made by concurrent resolution.

(Signed)

DANIEL H. HASTINGS.

Proclamation of the Election of Joseph B. Showalter
as a Representative of Pennsylvania in the United
States Congress.



IN THE NAME AND BY THE AU-
thority of the Commonwealth of
Pennsylvania, Executive Depart-
ment

A PROCLAMATION.

Whereas, In and by an act of the General Assembly, entitled "An Act relating to the elections of this Commonwealth," approved the second day of July, Anno Domini one thousand eight hundred and thirty-nine, it is made the duty of the Governor, on receipt of the returns of the election of Members of the House of Representatives of the United States by the Secretary of the Commonwealth, to declare by Proclamation the names of persons returned as elected in the respective districts;

And Whereas, By the death of the Honorable James J. Davidson, who was elected to represent the Twenty-fifth Congressional District, composed of the counties of Beaver, Lawrence, Mercer and Butler, in the House of Representatives of the United States a vacancy now exists in said district for the Fifty-fifth Congress.

And Whereas, A special election for Member of the House of Representatives of the United States was held in the said Twenty-fifth Congressional District on Tuesday, the twentieth day of April, A. D. 1897, to fill such vacancy as aforesaid;

And Whereas, The returns of said special election held on Tuesday, the twentieth day of April, A. D. 1897, as aforesaid, for Representatives of said District in the House of Representatives of the Fifty-fifth Congress of the United States for the term for which the said Honorable James J. Davidson, deceased, was elected, have

been received at the office of the Secretary of the Commonwealth agreeably to the provisions of the above recited Act of the General Assembly whereby it appears that in the Twenty-fifth Congressional District, composed of the counties of Beaver, Lawrence, Mercer and Butler, Joseph B. Showalter has been elected.

Now Therefore, I, DANIEL H. HASTINGS, Governor of said Commonwealth do issue this my Proclamation hereby publishing and declaring that Joseph B. Showalter has been returned as duly elected in the Twenty-fifth Congressional District before mentioned as Representative in the House of Representatives of the United States, for the term for which the Honorable James J. Davidson, deceased, was elected in the Fifty-fifth Congress.



Given under my hand and the Great Seal of the State at the city of Harrisburg, this twenty-eighth day of April, in the year of our Lord one thousand eight hundred and ninety-seven and of the Commonwealth the one hundred and twenty-first.

DANIEL H. HASTINGS.

By the Governor:

Frank Reeder,

Secretary of the Commonwealth.

To the Senate Nominating James H. Lambert Insurance Commissioner.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, April 29, 1897.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, James H. Lambert, to be Insurance Commissioner of Pennsylvania, for the term of three years from the first Monday in May, A. D. 1897.

DANIEL H. HASTINGS.

To the Assembly Vetoing "An Act to Enable the County Commissioners to Carry Out the Provisions of Section Nineteen of the Act of June Tenth, One Thousand Eight Hundred and Ninety-Three, Providing for Suitable Places for Holding Elections."

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., April 30, 1897.

I RETURN HEREWITH, WITHOUT MY APPROVAL, House bill No. 45, entitled "An act to enable the county commissioners to carry out the provisions of section nineteen, of the Act of June tenth, one thousand eight hundred and ninety-three, providing for suitable places for holding elections."

This bill is general in its terms and applies to every county in the Commonwealth. It gives to the county commissioners of the several counties the right of eminent domain, and empowering them, in case where they

are unable to procure suitable rooms or grounds on which to erect suitable rooms in which to hold elections by agreement with the owner, to enter upon and occupy sufficient ground for such purposes upon giving bond conditioned for the payment of the damages that may be suffered by such owner by reason of the taking. Provision is made for the appointment of viewers to view the premises, determine the amount of damages that have been, or may be sustained, to whom payable, and make report thereof, to the court of common pleas of the county and when the damages are finally ascertained, either by the confirmation of such report or the verdict of a jury, judgments shall be entered thereon, and if the amount thereof be not paid within thirty days from the entry of judgment, execution may issue thereon as in other cases against counties.

It will be observed that no right of appeal is given from the report of the viewers, unless it be by implication, by the use of the language "when the damages are finally ascertained, either by the confirmation of said report, or the verdict of a jury, judgment shall be entered &c.,"; and no appeal is provided for either expressly or impliedly from the judgment of the court of common pleas. I am of the opinion that this legislation would be unwise, particularly as it affects the large cities and towns of the Commonwealth, and would open the door to unnecessary expenditures. The cost of the legal proceedings to condemn, in most instances, would be greater than the cost of renting suitable rooms, or perhaps, of erecting a suitable booth or building.

Moreover, the title to the act is fatally defective in that it does not give the title of the act to which it makes reference, but refers to it by date only.

DANIEL H. HASTINGS.

To the Assembly Vetoing "An Act Authorizing and Empowering the Several Courts of Common Pleas of this Commonwealth to Direct and Decree the Sale of Real Estate of Insolvent Debtors by Their Assignees, for the payment of Debts and the Discharge by Such Sales of the Right of Dower, by which Such Real Estate is or May be Charged or Encumbered."

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., April 30, 1897.

I RETURN HEREWITH, WITHOUT MY APPROVAL, House bill No. 67, entitled "An act authorizing and empowering and directing the several courts of common pleas of this Commonwealth to direct and decree the sale of real estate of insolvent debtors by their assignees for the payment of debts and the discharge by such sales of the right of dower, by which such real estate is, or may be charged and encumbered."

The bill provides that in all assignments for the benefit of creditors, it shall be lawful for the several courts of common pleas of this Commonwealth, on the application of an assignee of any creditor of an assignor, where the personal estate is not sufficient for the payment of the debts, and the real estate is encumbered by a right of dower, to make an order for the sale of such real estate by the assignee, and that such sale after being confirmed by the court shall discharge the dower by which it is encumbered.

The terms of this bill are sufficiently comprehensive to cover all the dower encumbrances upon such lands, yet no notice is required to be given to any one, except the wife of the assignor. In many cases the title of the debtor or assignor, conveyed to his assignee in trust for the benefit of creditors, may be encumbered

by rights of dower secured thereon after the death of the prior owner or owners, yet no provision is made in the bill for notice either to the widow entitled to the interest upon such dower or the persons entitled to the principal at her death. It is clearly not competent for the law making power to thus deprive the owners or encumbrances of their securities upon property without notice. While doubtless the courts would declare the act without effect in such cases, the bill, if it became a law, would undoubtedly give rise to litigation between purchasers at assignee's sales, and the holders of such prior dower encumbrances to which they should not be subjected.

But even in cases where there are no prior dower encumbrances, and the purpose is to bar the right of dower of the wife of a living husband, I deem the legislation unwise and unjust to the wife. She has a right or an estate in the lands of her husband, contingent upon her surviving him, and I am not persuaded that such contingent right or estate should be taken, not by her creditors, but by the creditors of her husband.

DANIEL H. HASTINGS.

To the Senate Nominating Trustees of the State Institution for the Feeble-Minded of Western Pennsylvania.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 3, 1897.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate the following named persons to be trustees of the State Institution for the Feeble-

Minded of Western Pennsylvania, at Polk, for the term of three years from May 1, 1897:

John A. Wiley, Franklin, Venango county.

John J. Spearman, Sharon, Mercer county.

George F. Davenport, Meadville, Crawford county.

DANIEL H. HASTINGS.

Proclamation Designating as a Legal Holiday the Day of the Unveiling of a Statute of George Washington Erected in the City of Philadelphia by the Pennsylvania Society of the Cincinnati.



IN THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania, Executive Department.

A PROCLAMATION.

Whereas, The Pennsylvania Society of the Cincinnati have erected in the city of Philadelphia an equestrian statue of George Washington, the first President General of the Society; and

Whereas, The said statue will be unveiled with appropriate ceremonies upon the 15th day of May, Anno Domini one thousand eight hundred and ninety-seven; and

Whereas, The General Assembly of the Commonwealth adopted a Concurrent Resolution approved this day requesting the Governor of the Commonwealth to declare and proclaim the fifteenth day of May, one thousand eight hundred and ninety-seven to be a public holiday and to request the citizens of the Commonwealth of Pennsylvania to observe the same as such and also providing that existing laws relating to legal

holidays and the maturing of commercial paper shall in no wise be affected by said Resolution or this Proclamation.

Now Therefore, I, DANIEL H. HASTINGS, Governor of the Commonwealth of Pennsylvania, do hereby proclaim Saturday, May 15, A. D. 1897, to be a public holiday in pursuance of the foregoing Resolution, and I invite the citizens of Pennsylvania and the officials of all the municipalities and other sub-divisions of the State Government to make the occasion worthy of the Commonwealth and of the memory of him in whose honor the monument will be dedicated. I recommend and request the people of Pennsylvania to view the said statute upon the day of its dedication and to participate in the commemorative exercises, and I especially invite the people of other states, formerly citizens of Pennsylvania or kindred with our people, to join with the residents of our Commonwealth in this celebration, and I invoke the interest and hearty co-operation of all who honor the memory of George Washington.



Given under my hand and the Great Seal of the State at the city of Harrisburg, this fifth day of May, in the year of our Lord one thousand eight hundred and ninety-seven and of the Commonwealth the one hundred and twenty-first.

DANIEL H. HASTINGS.

By the Governor:

Frank Reeder,

Secretary of the Commonwealth.

To the Senate Nominating Emerson Collins a Manager of the State Industrial Reformatory at Huntingdon.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 12, 1897.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Emerson Collins, Williamsport, Lycoming county, to be a member of the board of managers of the State Industrial Reformatory, at Huntingdon, to serve until November 14, 1902, vice Honorable August Landis, deceased.

DANIEL H. HASTINGS.

To the Senate Vetoing a Joint Resolution Providing for the Publication in Pamphlet Form of the Game and Fish Laws of the State, Together with Other Matter on Zoology and Taxidermy.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, May 12, 1897.

I RETURN HEREWITH WITHOUT MY APPROVAL Concurrent Resolution originating in the House of Representatives April 23d, 1897, and concurred in by the Senate, April 29th, 1897, directing the Secretary of the Commonwealth, immediately after the close of the present session of the Legislature, "to prepare and have published in pamphlet form fifteen thousand copies of the Game and Fish laws of this Commonwealth together with chapters 1 and 2 of Bulletin

number 6 of the Department of Agriculture, with such additional matter on Zoology and Taxidermy as the author may deem necessary to add."

The necessity for this publication is not apparent, and the cost thereof is problematical. The resolution, as passed, gives free scope to the author to publish anything he may deem necessary on the subjects of Zoology and Taxidermy, with or without illustrations, and may impose upon the State such an outlay of money as in the present condition of its revenues would not be justified.

Moreover, the resolution, while stating that "such additional matter on Zoology and Taxidermy as the author may deem necessary" may be added, does not designate any particular person as the author.

DANIEL H. HASTINGS.

To the Senate Vetoing "An Act to Authorize Cities of the First Class, Whose Debt, at the Time of the Adoption of the Constitution of One Thousand Eight Hundred and Seventy-Four, Exceeded Seven Per Centum of the Assessed Value of the Taxable Property Therein, to Increase their Indebtedness Three Per Centum Upon Such Valuation, and to Ratify and Confirm Any Increase of Indebtedness Heretofore Made."

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, May 12, 1897.

I HEREWITH RETURN WITHOUT MY APPROVAL Senate bill No. 355, entitled "An act to authorize cities of the first class, whose debt at the time of the adoption of the Constitution of one thou-

sand eight hundred and seventy-four, exceeded seven per centum of the assessed value of the taxable property therein, to increase their indebtedness three per centum upon such valuation, and to ratify and confirm any increase of indebtedness heretofore made."

This bill provides that cities of the first class, whose debt at the time of the adoption of the Constitution of 1874 exceeded seven per centum of the assessed value of the taxable property therein, may increase their indebtedness three per centum upon such valuation, and by second section ratifies and confirms any increase of indebtedness heretofore made. Section 8, article 9, of the Constitution of 1874, which limits the debt of the various municipalities in the State, is as follows:

"The debt of any county, city, borough, township, school district or other municipality or incorporated district, except as herein provided, shall never exceed seven per centum upon the assessed value of the taxable property therein, nor shall any such municipality or district incur any new debt, or increase its indebtedness to an amount exceeding two per centum upon such assessed valuation of property, without the assent of the electors thereof at a public election in such manner as shall be provided by law; but any city, the debt of which now exceeds seven per centum of such assessed valuation, may be authorized by law to increase the same three per centum, in the aggregate at any one time, upon such valuation."

This bill, it will be noted, is applicable only to cities of the first class and in that class there is at present but one city, namely the city of Philadelphia. It is predicated upon the financial condition of that city in January first, 1874, being the date when the Constitution became operative. At that time the debt of the city of Philadelphia was in excess of seven per centum of the then assessed value of the taxable property therein. It appears, however, by an authoritative deliverance

of the Court of Common pleas Number One, of Philadelphia county, so recently as May first, 1897, in *Pepper et al vs. Philadelphia*, 54 *Legal Intelligencer*, 200, that the assessed value of the taxable property in the city January first, 1897, was \$818,827,549, and the net debt at the same time was \$31,336,674, or less than four per centum of the then assessed valuation of the taxable property. The loans sought to be enjoined in the case above cited—but which the court held to be lawful—were \$11,000,000, and when added to the pre-existing indebtedness would still bring the city debt much below the seven per cent. limitation provided by the Constitution. It is true that at the time of the adoption of the Constitution of 1874 the debt of Philadelphia exceeded seven per centum of the assessed value of the taxable property, but that condition has ceased to exist, not only because of the reduction of her debt, but because of the increased value of her taxable property.

I am of the opinion that the section of the Constitution above cited is an express limitation upon the power of municipalities to contract debts in excess of seven per centum of the assessed valuation of the taxable property therein. The exception in the last clause of the section viz: “but any city, the debt of which exceeds seven per centum of such valuation, may be authorized by law to increase the same three per centum in the aggregate at any one time upon such valuation,” was evidently intended to provide for the relief of those cities which at the time of the adoption of the Constitution had a debt in excess of seven per centum of the assessed value of their taxable property, and to provide for any exigencies that might arise requiring an increase of their indebtedness. But when a city once reduced its debt within the Constitutional limit of seven per centum, it took itself out of the excepted class and became liable to the mandatory provisions

of the first clause of the section, like all other municipalities in the Commonwealth. To reach any other conclusion would be to hold that any municipality, whose indebtedness exceeded the seven per cent. limit on January first, 1874, and in the intervening twenty-three years has paid such indebtedness, may come to the Legislature at each succeeding session and obtain authority to increase its debt three per centum upon the assessed value of its property without any limitation whatever.

To illustrate, we may suppose one city with a debt equal to eight per centum of the assessed value of its taxable property on January 1st, 1874, and another with a debt equal to four per centum at the same time. Both pay their indebtedness within the succeeding twenty-three years and both are now desirous of creating a new debt. Will it be contended that the constitutional limitation of seven per centum is now applicable to one and not to the other? I think it clear that both cities would occupy the same position under the new law, and the fact that one had an indebtedness on January 1st, 1874, in excess of seven per centum of the assessed value of its taxable property, but having since paid the indebtedness, would give it no right or power to create loans by a method different from that imposed upon the city whose indebtedness at that time was less than seven per centum of the assessed valuation of its taxable property.

The authority for this legislation must be found in the third clause of the section of the Constitution above cited, or it does not exist, and I am of the opinion that, when the indebtedness of the city of Philadelphia was, either by the reduction of its debt or by the increase of the valuation of its taxable property or both, reduced to an amount less than seven per centum of the assessed value of its taxable property, it was taken out of the category in which it belonged

January 1st, 1874, and must increase its indebtedness, if it so desires, under the second clause of the section of the Constitution above cited, to wit: By a proper action of its municipal authorities, to an amount not exceeding two per centum upon such assessed valuation of property, if it has not already done so, and, if in excess of two per centum but still within the seven per cent. limit, then with the assent of the electors thereof as provided in said section.

In the case of *Wheeler v. Philadelphia*, 77 P. S, 338, the Supreme Court, in discussing the eighth section of Article nine of the Constitution, uses the following language:

"The end sought to be attained was clearly a limitation upon the debt of municipalities, and seven per centum upon the assessed value of the taxable property therein was fixed as the maximum. The fact was, however, known to the convention that at that time the debt of the city of Philadelphia, and perhaps some other municipalities exceeded seven per centum. In such instances an arbitrary provision, that there should be no further increase of the debt, might have worked great injury by the stoppage of public works already commenced and essential to the public convenience and welfare. It was therefore provided, that as to such municipalities the debt might be increased three per centum. The main controversy, however, was as to the manner in which such increase should be accomplished. Here again the distinction is preserved between municipalities whose debt is under seven per centum and those in which it exceeds seven per centum. In the former, the municipal authorities may increase the debt from time to time until two per centum has been added, provided the original debt with the increase, does not exceed seven per centum. After two per centum has been added there can be no further increase without the vote of the people."

The case of *Wheeler v. Philadelphia*, *supra*, was decided February 15th, 1875, very shortly after the adoption of the Constitution, and the interpretation there given has since been followed in other cases, notably in *Pike County v. Rowland*, 94 P. S. 238. It appears that the only city of the first class in the Commonwealth has an existing indebtedness much below the constitutional limit and therefore is not in a position to be "authorized by law to increase the same three per centum, in the aggregate at any one time," but, as has already been stated, comes clearly within the provision of the second clause of the section above cited.

I am of the opinion also that the proposed legislation is local and special in its character and is forbidden by section 7, Article 3 of the Constitution, but sufficient reasons having already been given for withholding my approval, I will not discuss this question.

DANIEL H. HASTINGS.

To the Senate Vetoing a Joint Resolution Providing
for the Publication of a History of the Game of the
Commonwealth to be Prepared by the Economic
Zoologist of the State.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, May 20, 1897.

I RETURN HEREWITH WITHOUT MY APPROVAL, concurrent resolution originating in the Senate, March 1st, 1897, and concurred in by the House of Representatives, May 5, 1897, providing that the Economic Zoologist "prepare and have published by the Public Printer, in pamphlet form, 12,000 copies of a report containing a history of the game of the

Commonwealth," for the reasons given for withholding my approval of the concurrent resolution originating in the Senate, March 22d, 1897, providing for the printing and binding of 10,000 copies of the report of "the Indian Forts Commission," and transmitted this day to the Senate.

DANIEL H. HASTINGS.

To the Senate Vetoing a Joint Resolution Providing
for a Reprint of the Report of the Indian Forts
Commission.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., May 20, 1897.

I RETURN HEREWITH, WITHOUT MY APPROVAL, concurrent resolution originating in the Senate, March 22, 1897, and concurred in by the House of Representatives, May 17th, 1897, authorizing the State Printer "to print and bind in cloth, under the supervision of the State Librarian, ten thousand (10,000) copies of the report of Indian Forts Commission, made in the year one thousand eight hundred and ninety-five," and providing further that the cost of printing and binding the same shall not exceed seven thousand dollars.

This is one of a number of concurrent resolutions that have been passed by the General Assembly and have reached the Executive, incurred large expense to the State, for which it will be necessary to provide appropriations later in the session. To approve of a resolution of this character pledges the Executive in advance to approve of the appropriation that may be

made to meet the expenditure. Whether or not the revenues will admit of the expenditure of the moneys proposed cannot be known until after the disposition of the bills providing for taxation and the collection of revenues, and I deem it unwise to approve any measure of this character until it can be known with reasonable certainty whether the condition of the treasury will be such as to justify the appropriation. Our charitable and penal institutions must be provided for with judicious care, and, in the interest of humanity, we cannot permit them to suffer by the expenditure of public funds for any purpose which cannot be regarded as absolutely necessary. "The Frontier Forts," for which the resolution provides, is in every respect deserving of consideration, being one of the best of our State publications, but as the approval of the resolution would impliedly require me to approve of the necessary appropriation to pay for the work hereafter made, at a time when I cannot possibly know whether the expense would be justified, having due regard to other obligations of the Commonwealth, I feel it my duty to withhold my approval.

DANIEL H. HASTINGS.

To the Assembly Vetoing "An Act to Amend 'An Act to Provide for the Incorporation and Regulation of Certain Corporations,' as Amended, Providing for the Incorporation of Companies to Carry on the Business of a Pawnbroker, and the Lending of Money on the Security of Personal and Real Property."

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, May 20, 1897,

I RETURN HEREWITH, WITHOUT MY APPROVAL House bill No. 125, entitled "An act to amend an act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved the twenty-ninth day of April, Anno Domini one thousand eight hundred and seventy-four, as amended by the act approved the seventeenth day of April, Anno Domini one thousand eight hundred and seventy-six, providing for the incorporation of companies to carry on the business of a pawn-broker and the lending of money on the security of personal and real property."

The effect of this bill is to bring the business of a pawn-broker within the provisions of the general corporation act of April 29th, 1874, and its supplements, and allow persons engaged in such business to become bodies corporate under the provisions of said act. The business of a pawn-broker is of such character that great temptation exists on the part of those engaged in it to take undue advantage of the persons with whom they deal, and in my judgment it is far better, on grounds of public policy, that the business should be conducted by natural rather than by artificial persons.

But the bill is open to the further objection that it would give authority to corporations created for the

purpose of conducting the business of pawnbrokers to engage also in the business of lending money on the security of real or personal property. The language of the proposed bill is "the carrying on of the business of a pawn broker and the lending of money on the security of personal and real property." This language is broad enough to enable corporations created under this act, if it were to become a law, to loan money upon collaterals and possibly to discount commercial paper, as well as to loan money upon real estate security. It has always been held under the corporation act of 1874 that corporations may not be created for a dual purpose. This bill, in express terms, gives authority, not only to do the business of a pawn broker, but also to make loans in the same manner as a savings bank or trust company, thus giving to the corporation so created privileges accorded to no other under existing law. The savings banks and trust companies of the State are under the supervision of the Banking Department, and the public are protected as far as possible in the transaction of business with such institutions. If this bill should become a law, a serious question might arise whether the corporations created under it would be subject to such supervision. For these reasons I believe the measure to be unsafe and not for the best interests of the people of the Commonwealth.

DANIEL H. HASTINGS.

To the Assembly Vetoing "An Act to Enlarge the Competency of the Wife to Testify Against Her Husband."

Commonwealth of Pennsylvania,
Executive Department,

Harrisburg, Pa., May 20, 1897.

I RETURN HEREWITH WITHOUT MY APPROVAL, House bill No. 39, entitled "An act to enlarge the competency of the wife to testify against her husband."

This bill provides in its first section that "in any civil action brought by the husband for the purpose of recovering damages from the defendant for having wrongfully estranged his wife's affections, or for having wrongfully enticed or compelled her to leave him, or for harboring his wife without lawful justification or excuse, the wife shall be a competent witness for the defendant." The second section provides that "In any civil action brought against the husband to recover necessities furnished to the wife, if the husband makes defense at the trial upon the ground that his wife had left him without justification or excuse before the necessities were furnished, or upon any other ground which attacks the wife's character or conduct, she shall be a competent witness in rebuttal for the plaintiff;" and the third section provides that "In any criminal proceeding brought against the husband, if he makes defense at the trial upon any ground which attacks the wife's character or conduct, she shall be a competent witness in rebuttal for the Commonwealth."

While I could not approve of any one of the three sections of this bill and exclude the others, even had I the power to do so, I regard the first section as particularly objectionable. It refers to the case of a husband bringing suit against the wrongdoer for alienating his wife's affections, or for enticing her from her

home, and permits the defendant, who may have destroyed the happiness of the household, to call the wife of the injured husband to relieve the defendant from liability in a court of justice. The tendency of legislation of this character, in my judgment, is open to most serious objection. It weakens the sacredness of the marital relation and the security of the home. It affects not only the husband and the wife but may also shield the guilty, and is likely to bring shame and unhappiness to the children of the family affected. I can think of no case where such legislation would be beneficial, but I am clearly of the opinion that it would be productive of great evil.

DANIEL H. HASTINGS.

To the Assembly Vetoing "An Act Regulating the Educational Rights of School Districts in the Election of Supervisory Principals."

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., May 26, 1897.

I RETURN HERewith WITHOUT MY APPROVAL, House bill No. 225, entitled "An act regulating the educational rights of school districts in the election of supervisory principals."

The language of the provisions of this bill is ambiguous. The phrase "there shall be no difference between the educational rights granted to school districts of the Commonwealth" may be construed to mean that all townships and boroughs shall have the right to elect commissioned superintendents with power to issue certificates to teachers, a right now vested only in the school boards of cities and also of

boroughs and townships having a population of five thousand or more. This would certainly cause great confusion and interfere with the work of the county superintendents. The bill authorizes borough and townships to "elect supervisory principals" without defining the duties of such officials or the method of electing them. The office of "supervisory principal" is unknown to the school laws of Pennsylvania, and I am of the opinion that when a new office is created by law its functions should be clearly defined.

DANIEL H. HASTINGS.

To the Assembly Vetoing "A Supplement to 'An Act Providing for the Incorporation and Government of Cities of the Third Class,' and Providing for the Assessment and Collection of Special Taxes Upon Properties Abutting for Street Sprinkling and Street Cleaning."

Commonwealth of Pennsylvania.

Executive Department,

Harrisburg, Pa., May 28, 1897.

I RETURN HEREWITH WITHOUT MY APPROVAL, House bill No. 71, entitled "A supplement to an act, entitled 'An act providing for the incorporation and government of cities of the third class,' approved May twenty-third, one thousand eight hundred and eighty-nine, and providing for the assessment and collection of special taxes upon properties abutting for street sprinkling and street cleaning."

The effect of this bill, if it were to become a law, would be to authorize councils in cities of the third class to provide by ordinance for the sprinkling and cleaning of the streets at the expense of the owners of

the property abutting upon the same, and the entry of liens against such abutting property for the non payment of the cost of such sprinkling and cleaning.

I am of the opinion that legislation of this character would impose upon property owners unjust and unreasonable burdens. The cleaning of the streets, particularly in the densely populated portion of a city, is clearly a municipal duty, and the burden of performing such duty should not be imposed upon the property abutting upon such street, the owner of which, in most instances, did not create the necessity for the cleaning. In many of our cities, markets are held in the public streets two or three times in a week, for the public benefit, and this necessarily results in the depositing in the streets of garbage and offal of various kinds. Indeed the necessity for cleaning the public streets in all parts of a city arises from their use as public highways, and therefore, the expense of maintaining them in good condition should be paid by the public, and not by the private individual.

The machinery provided by the act for the collection of unpaid assessments for street sprinkling and street cleaning, is by the entry of a lien and the collection thereof in the same manner as municipal liens for paving and sewer taxes are now collected. In most instances the cost of entering the lien, the service of notice, the prothonotary's fees, etc., would be largely in excess of the amount demanded, and would subject the property owners not only to unnecessary expense, but to annoyances of the most irritating character. The collection of the cost of paving and the cost of sewers from abutting property owners is justified because of the direct benefits accruing to the property holder; but no such argument can be made in favor of the proposition contained in this bill.

DANIEL H. HASTINGS.

To the Assembly Vetoing "An Act to Allow Common School Houses to be Used for Purposes of Sabbath Schools and Religious Services."

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, May 31, 1897.

I RETURN HEREWITH WITHOUT MY APPROVAL, House bill No. 223, entitled "An act to allow common school houses to be used for purposes of Sabbath schools and religious services."

This bill provides that all common school houses of this Commonwealth, when situate where church, houses or halls cannot be obtained may be granted for the holding of Sabbath schools and religious services, "except in such common school houses where the majority of the parents sending scholars to certain schools object."

The effect of this bill, if it were to become a law, would be to permit common school houses to be used for religious purposes in certain localities where the majority of the parents sending their children to school at such school houses should consent, and refusing the use of other school houses for like purposes where a majority of the parents object. The act, would, therefore, become local or special, and would be in conflict with article III of section seven of the Constitution, which provides that "the General Assembly shall not pass any local or special law * * * regulating the affairs of counties, cities, townships, wards, boroughs or school districts."

It is a matter of common knowledge that in many places throughout the Commonwealth the public school houses are used for Sabbath school purposes and the conducting of religious services, perhaps by common consent of the people of the school district, but I do not deem it wise, independently of the consti-

tutional question involved, to place upon the statute books any legislative authority for the use of public schools houses for any other purpose than that for which they are erected.

DANIEL H. HASTINGS.

To the Senate Vetoing "An Act to amend 'A Further Supplement to an Act to Promote the More Certain and Equal Assessment of Taxes in Philadelphia, Relating to the Assessors and Assessment in Said City,' Providing an Increase of Salary to the Members of the Board of Revision of Taxes."

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., May 20, 1897.

I HEREWITH RETURN WITHOUT MY APPROVAL, Senate bill No. 11, entitled "An act to amend section two of an act approved the twelfth day of April, one thousand eight hundred and seventy three, entitled 'A further supplement to an act to promote the more certain and equal assessment of taxes in Philadelphia,' approved the fourteenth day of March, one thousand eight hundred and sixty-five, relating to the assessors and assessments in said city, providing an increase of salary to the members of the Board of Revision of Taxes."

The effect of this bill is to increase the salaries of the three members of the Board of Revision of Taxes in Philadelphia county from four thousand dollars each per annum to six thousand dollars each per annum. While it may be freely admitted that these officials perform valuable public service requiring much

labor and ability, I cannot agree that an increase of fifty per centum in their salary would be justified under existing business conditions. The burdens of taxation never weighed more heavily upon the people than they do at present, and no bill should become a law that increases these burdens unless the necessity therefor is clearly demonstrated. The present salary of these officials is the same that is now paid our law judges throughout the State, except in a few instances, where the duties of the judge are exceptionally onerous.

DANIEL H. HASTINGS.

To the Senate Vetoing "An Act to Amend 'An Act to Empower County Controllers of Cities of the First Class to Deputize a Clerk to Countersign Warrants Drawn in Payment of Salaries,' so as to Authorize the Controller of Counties Co-Extensive in Boundary with Cities of the first Class, to Appoint His Chief Clerk as Deputy Controller, with Authority to Perform all of His Duties During the Necessary or Temporary Absence of the Said Controller, and Fixing the Salary of Such Deputy Controller."

Commonwealth of Pennsylvania,

Executive Department,

Harrisburg, Pa., May 20, 1897.

I RETURN HEREWITH WITHOUT MY APPROVAL, Senate bill No. 36, entitled "An act to amend an act, entitled 'An act to empower county controllers of cities of the first class to deputize a clerk to countersign warrants drawn in payment of salaries,' approved the fifteenth day of April, Anno Domini one thousand eight hundred and ninety one, so as to au-

thorize the controller of counties co-extensive in boundary with cities of the first class to appoint his chief clerk as deputy controller, with authority to perform all of his duties during the necessary or temporary absence of the said controller, and fixing the salary of such deputy controller."

Under existing laws the controller in cities of the first class is authorized and empowered to depute his chief clerk to countersign any or all his warrants legally drawn in payment of salaries. His chief clerk receives at present a salary of twenty five hundred dollars per annum. This bill, should it become a law, authorizes the controller to depute and appoint in writing his chief clerk as deputy controller, and gives the deputy authority, during the necessary or temporary absence of the controller, to perform all the duties of the controller, and, in case of a vacancy, to act as controller until a successor is duly qualified, and fixes the salary of such deputy at forty five hundred dollars per year, or an increase of two thousand dollars.

The office of controller, particularly in a great city, is a most important one. He is vested by law with judicial or quasi-judicial duties, and is clothed with large discretionary powers. Presumably he is elected to fill the office because of his qualifications and the public belief in his integrity. He has the power, when any claim against the municipality is presented to him, to require evidence that the amount claimed is justly due, and for that purpose may summon before him any officer, agent or employe of any department of the city or any other person, and examine him upon oath or affirmation relative to such warrant or claim. At the end of each fiscal year, or oftener if required by councils, and also upon the death, resignation, removal or expiration of the term of any officer, it is made his duty to audit, examine and settle the accounts of such of

feer; and it is further made his duty to see that no public moneys are expended except in pursuance of law, and to guard the public treasury against all unauthorized expenditures. The deputy controller provided for by this bill would be clothed with the same powers, and, in my judgment, it would be unwise and improper to authorize the controller to transfer his important duties to a deputy of his own appointment.

The increase of the salary, amounting to two thousand dollars per year, I also believe to be a most serious objection to the bill under consideration, and to my mind would in itself justify the withholding of my approval. No increase in public expenditures can be justified at this time unless the necessity therefor is apparent.

DANIEL H. HASTINGS.

To the Senate Vetoing a Joint Resolution Providing for Printing the Report of the Special Committee of the Senate Appointed to Investigate the Government of Cities of the First Class."

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., May 20, 1897.

I RETURN HEREWITH WITHOUT MY APPROVAL, concurrent resolution originating in the Senate, May 4th, 1897, and concurred in by the House of Representatives, May 12th, 1897, providing for the printing of "twenty-five hundred copies of the report of the special committee of the Senate appointed to investigate the government of cities of the first class," for the reasons given for withholding my approval of the concurrent resolution originating in the

Senate, March 22d, 1897, providing for the printing and binding of ten thousand copies of the report of the "Indian Forts Commission," and transmitted this day to the Senate.

DANIEL H. HASTINGS.

To the Senate Nominating Managers of the Pennsylvania Reform School at Morganza.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 26, 1897.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate the following named gentlemen to be managers of the Pennsylvania Reform School at Morganza, to serve until the first Monday in May, 1901:

Joseph Albree, Allegheny City.

Thomas Wightman, Pittsburg.

Alexander J. Pentecost, Allegheny City.

James Allison, Sewickley.

James McClellan, Morganza.

William Denny, Washington.

John T. Iams, Waynesburg.

William S. McKinney, Allegheny.

DANIEL H. HASTINGS.

To the Senate Vetoing "An Act Fixing the Salaries of the Deputy Sheriffs, Other than that of the Chief or Real Estate Deputy, in Counties Co-extensive in Boundary with a City of the First Class."

Commonwealth of Pennsylvania,
Executive Department.
Harrisburg, May 31, 1897.

I RETURN HEREWITH WITHOUT MY APPROVAL, Senate bill No. 132, entitled "An act fixing the salaries of the deputy sheriffs other than that of the chief or real estate deputy in counties coextensive in boundary with a city of the first class."

This bill, if it were to become a law, would increase the salary of a deputy sheriff in the city of Philadelphia, excepting the chief deputy and real estate deputy, from one thousand dollars per annum to two thousand five hundred dollars per annum. As the law fixes no limit upon the number of deputies which the high sheriff may appoint, the present and future sheriffs of Philadelphia county would have the power to appoint an unlimited number of deputies at an annual salary of \$2,500.00 each.

Approval of this bill has been strenuously urged principally because the increase of salary would not come out of the treasury of the State but from fees paid into the Philadelphia city treasury. While this is true, it would come primarily from the debtor, who might be so unfortunate as to get into the hands of the law.

A large number of petitions are on file, numerously signed, urging the approval of the bill in the following language:

"The present compensation of one thousand dollars per annum, out of which all expenses incident to the office must be paid, is not only unreasonable and inadequate, but has mainly been the cause of the pernicious

cious practice of feeing which has so long prevailed in that branch of the sheriff's office. We believe that if a decent and living salary be paid to the deputies, this abuse will, in a large measure, be corrected, and the tone of the office itself improved and elevated."

These propositions are denied. The taking by the deputy sheriff of fees, not authorized by law, is a misdemeanor punishable by fine or imprisonment, and dismissal from office. The remedy for dishonesty in public office is not an increase of salary.

This is a time, in my judgment, for retrenchment of all public expenditures and not for an increase of salaries of public officials.

DANIEL H. HASTINGS.

To the Senate Vetoing a Joint Resolution Providing for the Reprint of Certain Grand Atlases of the Geological Survey.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, June 4, 1897.

I RETURN HEREWITH WITHOUT MY APPROVAL, concurrent resolution which passed the House of Representatives, May 21, 1897, and was concurred in by the Senate, May 25th, 1897, and which directs the State Printer to print twenty-five hundred copies of Grand Atlases of Divisions of Nos. 1 to 5 inclusive, to accompany certain Geological reports already printed, which copies are, by the resolution, to be distributed, five hundred for the use of the Senate, one thousand for the use of the present House of Repre-

sentatives and one thousand to the Secretary of Internal Affairs for use in completing sets of Geological Reports now in his possession.

This resolution, if approved, would commit the state to the payment of the expense of printing the maps referred to. There is no provision or limitation regarding their cost. The State Printer could go on and complete the maps according to his own taste and judgment and, so far as the resolution goes, fix his own price therefor. To attempt to legislate by means of concurrent resolutions is dangerous. Nevertheless if there were a bill in due form of law before me making specific appropriation and guarded by careful restrictions as to the cost of the maps, I could not give the measure my approval, because of the present condition of the public Treasury.

DANIEL H. HASTINGS.

To the Assembly Vetoing "An Act Authorizing the Arrest and Committing to Bail of Persons Violating an Ordinance of Any Borough of this Commonwealth."

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, June 7, 1897.

I RETURN HEREWITH WITHOUT MY APPROVAL, House bill No. 46, entitled "An act authorizing the arrest and committing to bail of persons violating an ordinance of any borough of this Commonwealth," for the sole reason that on June 4th, 1897, I approved Senate bill No. 35, entitled "An act relating

to boroughs, providing a method of procedure for violations of law and borough ordinances and for the collection of the fines and penalties imposed for said violations." The latter act embodies the same provisions as the proposed act herewith returned and the approval of this bill is, therefore, unnecessary.

DANIEL H. HASTINGS.

To the Senate Vetoing "An Act to Prohibit the Catching, Taking or Keeping for Sale or Shipment Within the County of Bradford, any Grouse or Pheasant, Quail or Partridge, Woodcock, Wild Pigeon, Trout or Bass, and Also to Prohibit Absolutely the Killing of Deer or Fawn for a Period of Three Years."

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, June 4, 1897.

Gentlemen:—

I RETURN HEREWITH WITHOUT MY APPROVAL, Senate bill No. 101, entitled "An act to prohibit the catching, taking or keeping for sale or shipment within the county of Bradford any grouse or pheasant, quail or partridge, woodcock, wild pigeon, trout or bass, and also to prohibit absolutely the killing of deer or fawn for a period of three years."

This bill applies only to the county of Bradford, and I believe it to be in conflict with section seven of article III of the Constitution, which provides that "the General Assembly shall not pass any local or special

law * * *. regulating the affairs of counties, cities, townships, wards, boroughs or school districts."

An additional reason for withholding my approval from this bill is found in the fact that I have already approved House bill No. 180, entitled "An act for the better protection of game and game mammals, game birds and song and insectivorous birds, limiting the number of game birds and game mammals to be killed by any one person in one day or in one season, prohibiting the sale of the same and the shipment thereof outside of the State, and providing penalties for the violation thereof." The bill to which I refer is general in character and I think fully meets the object of the special act under consideration. It is desirable that legislation of this character should be general and not special, and I think House bill No. 180 corrects all or nearly all of the evils complained of.

DANIEL H. HASTINGS.

To the Senate Nominating Trustees of the State Asylum for the Chronic Insane at Wernersville.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, June 7, 1897.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate the following named gentlemen to be trustees of the State Asylum for the Chronic In-

sane at Wernersville, for the term of three years, to compute from June 12, 1897:

Horace Brock, Lebanon, Lebanon county.

Joseph L. Lemberger, Lebanon, Lebanon county.

John A. M. Passmore, Philadelphia, Philadelphia county.

DANIEL H. HASTINGS.

To the Senate Nominating Trustees of the State Hospital for the Insane at Warren.

Commonwealth of Pennsylvania,
/ Executive Chamber,
Harrisburg, June 7, 1897.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following named gentlemen to be trustees of the State Hospital for the Insane at Warren, for the term of three years to compute from June 10, 1897:

George Lewis, Franklin, Venango county.

Charles C. Shirk, Erie, Erie county.

DANIEL H. HASTINGS.

To the Senate Recalling the Nomination of John T. Iams as a Manager of the Pennsylvania Reform School at Morganza.

Commonwealth of Pennsylvania,

Executive Chamber,

Harrisburg, June 7, 1897.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to recall the nomination of John T. Iams, of Greene county, to be a member of the board of managers of the Pennsylvania Reform School at Morganza, made to the Senate by Executive message, dated May 26th, 1897.

DANIEL H. HASTINGS.

To the Senate Conveying Certain Information Concerning the Revenues of the State.

Commonwealth of Pennsylvania,

Executive Chamber,

Harrisburg, June 7, 1897.

I AM IN RECEIPT OF A CONCURRENT RESOLUTION, originating in the Senate, dated May 31, 1897, and concurred in by the House of Representatives on June 1st, 1897, which is as follows:

“Resolved (if the House of Representatives concur), That His Excellency the Governor be requested to communicate to the General Assembly whether a deficit will exist at the close of the present fiscal year and whether the estimated revenues for the two ensuing years will be sufficient to meet the deficit if any exist, as well as the ordinary expenses of the State government, and if in his judgment existing laws are

not sufficient then what subjects of taxation he may recommend to the consideration of the General Assembly that will sufficiently increase the revenues of the State to the end that no financial embarrassment may occur."

The information asked for in this resolution was given to the General Assembly more than five months ago. On the 5th day of January, 1897, in my biennial message, I gave you detailed information as to the condition of the State Treasury and an estimate of the probable income from all sources for the years 1897 and 1898. I then stated: "The Auditor General and State Treasurer have submitted to me a detailed statement of the estimated revenues for the years 1897 and 1898. Their estimate is based upon the income for the years 1895 and 1896, and amounts to \$9,768,829 for each of the coming two years. This estimate is submitted for your information and guidance in making appropriations covering that period. Notwithstanding the State debt has been almost entirely provided for, the above figures will indicate clearly to you that the appropriation of public moneys should be reduced below the amount appropriated by the last General Assembly, unless some means can be devised for increasing the revenues."

Since the receipt of the above resolution of inquiry, I have again called upon the State Treasurer and Auditor General for the purpose of ascertaining whether after five months had elapsed from the time of their previous statement they see reason for any change or modification of their judgment. They inform me that the calculations as given in January last remain unchanged, and I concur in their judgment.

This estimate of \$9,768,829 of revenues for each year does not include the revenues which may be derived from the "direct inheritance tax," lately become a law, and which is the only revenue measure that has reached

me from your honorable bodies. It is believed that the direct inheritance tax law will yield about \$1,000,000 in revenue per annum.

On the 26th of February, 1895, I had the honor to submit to the General Assembly an estimate made by the then Auditor General and State Treasurer of the revenues for the years 1895 and 1896. Auditor General Gregg and State Treasurer Jackson reported that, in their judgment, the revenues would amount for each of these two years to \$9,455,725. The report of the State Treasurer shows that the net revenues for the year 1895 amount to \$9,624,654.99, and for the year 1896 to \$10,176,745.74, thus proving that the estimates of the Auditor General and State Treasurer were conservative and approximately correct. Their estimates, in fact, would have exceeded the amount of the actual revenues had not the Attorney General and Auditor General exercised unusual diligence to enforce, by legal process, payments of over-due taxes. The records show that there was collected from delinquent corporations during the years 1895 and 1896 the sum of \$845,211.66. The collection of so large an amount, of course, cannot be repeated, because the taxes are now well collected up to date.

The fiscal officers have furnished me with the following summary, which shows the actual financial condition at the close of business on May 26, 1897:

Estimated total receipts for fiscal year to November 30, 1897,	\$9,768,829 00
Balance in bank May 26, 1897,	4,468,758 87
	<hr/>
	\$14,237,587 87
Payments made from November 30, 1896, to May 26, 1897,	6,921,000 05
	<hr/>
	\$7,316,587 82
Payments due on account of quarter ending May 31, 1897,	\$1,000,000 00

Payments due on account of six	
months to November 30, 1897,	9,937,182 00
	<hr/> 10,937,182 60
Deficit,	<hr/> <hr/> \$3,629,594 18

From the above figures it will be seen that the fiscal officers estimate that there will be a deficiency of about \$3,629,594.18 on November 30, 1897.

A word of explanation is necessary as to this deficiency. The fiscal year, so far as it relates to the revenues, by operation of law, ends on November 30. The fiscal year, in so far as it relates to appropriations, ends May 31. Thus, the period of six months intervening between May 31 and November 30 is liable to cause confusion. If the State were to settle up its accounts on November 30, 1897, in the same manner as a business institution would do, it would be lacking about three and one half millions of dollars of having money enough to pay all its obligations, and in that sense there would be a deficiency. But the appropriation year ends May 31, and the revenue year ends November 30; therefore, the last six months of the revenue year, in the calculations of the fiscal officers, have been anticipated in the appropriation year. If the revenues depended upon to be paid into the Treasury during the last six months of the revenue year could all be collected in the first six months, the above deficiency would be somewhat reduced, but to what extent I am unable to say, because the fiscal officers have made extraordinary efforts to collect every thing possible in the first six months.

In the above estimate made by the Auditor General and State Treasurer and included in the \$9,937,182, are two large and important items, the first being \$636,000, the estimated cost of the present legislative session; and the other, \$5,500,000 appropriated to the public

schools. There being no session of the Legislature required by law next year, the first item will drop from the account.

The appropriation for the public schools being more than half of all the appropriations, is difficult to handle. Certain conditions are imposed by law which must be complied with by each school district before it can receive its share of the State appropriation. This has always caused delay and for many years past, perhaps from the beginning of the school system, the appropriation has not been fully paid to the districts until about a year after the close of the appropriation year. For instance, the last General Assembly appropriated \$5,500,000 for the appropriation year beginning June 1st, 1895, and likewise \$5,500,000 for the appropriation year beginning June 1, 1896. To-day the appropriation for the first of these years is not quite paid in full, while not a dollar of the appropriation for the year beginning June 1, 1896, has been paid.

The last General Assembly, wisely recognizing the difficulties under which the fiscal officers labored in this behalf, inserted the following clause in the school appropriation section: "Provided also, That warrants for the above and all other unpaid appropriations for common school purposes shall be issued in amounts designated by the State Treasurer, and whenever he shall notify the Superintendent of Public Instruction in writing that there are sufficient funds in the State Treasury to pay the same."

The question of actual cash deficiency, therefore, depends upon the rapidity with which the State Treasurer pays out the school appropriation. He has the power at any time to exhaust the Treasury by paying out the over-due school appropriation; and he has the power to cripple the State institutions simply by giving preference to the distribution of the school funds.

Of the appropriations made by the General Assem-

bly of 1895, I was compelled to veto direct appropriations for various purposes, amounting to \$745,561.00, and other measures, carrying with them expenditures of money, which would have swelled the total to more than \$1,000,000. Notwithstanding this large reduction from the appropriations sought to be made by the last Legislature, the revenues have been inadequate.

In reply to your request to state "what new subjects of taxation I have to recommend to the General Assembly to increase the revenue," I beg leave to remind you that, if in your wisdom you deem it necessary to pass additional revenue laws, there is no duty resting upon the Executive to name subjects for taxation. Under our system of government this duty is exclusively for the General Assembly. By article III, section 14 of the Constitution, it is provided that "All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose amendments as in other bills." As it is the fundamental law that all bills for raising revenue shall originate in the House of Representatives it would be contrary not only to the letter but also clearly contrary to the spirit of the Constitution that such bills should originate with the Executive. I am not aware that at any time in the past the Executive has been called upon by the General Assembly to take part in legislation, and the resolution under consideration has, therefore, neither precedent nor authority of law upon which to stand.

Your honorable bodies were furnished by me more than five months ago with a detailed estimate of the probable revenues during the next two fiscal years, and were advised at the same time that appropriations would not be approved in excess of the estimates so made, unless additional revenues were provided. During the period that you have been in session but one revenue measure has reached me, commonly known as "the direct inheritance tax bill." The amount that

will probably be realized from this measure I have already indicated.

At this time, when almost all industries are suffering, when trade is stagnant and when willing labor can find no employment, economy in the expenditure of public moneys should control the General Assembly in its appropriations and will certainly control the Executive in the consideration of all such measures. I have steadily withheld my approval from various bills increasing the salaries of public officials, but I would gladly approve any bill that might be lawfully passed, decreasing reasonably existing salaries from the highest to the lowest. When the individual citizen finds it necessary to exercise the most rigid economy in order to support himself and his family, it is certainly a strong admonition to you and to the Executive to see to it that his burdens should not be increased, but so far as possible should be lessened.

Representing, as you do, all portions of the State, being familiar with its public institutions, your committees having visited them for the purpose of ascertaining their needs, your honorable bodies will best understand how judicious reductions may be made without working serious injury to any. Whereas, if necessity compels the withholding of Executive approval from appropriations in order to keep the Treasury solvent, much harm may be done to worthy institutions by withholding all where half would greatly help.

Our public schools must be sustained, our penal institutions provided for, and the unfortunate in mind and body, whom we have always with us, must receive our sheltering care. This money is for all these if wisely administered. There are two ways for states as well as individuals to successfully meet such exigencies as the present conditions impose. The first is to increase the income to meet existing outlay. This is practically impossible for State or individual at this

time. The other is to reduce expenditures so as to live within the income. This is good housekeeping. Instead of searching through the crippled business interests of the State for new subjects to tax, or calling upon me to point them out, it will be much easier and more in the line of duty, as public servants, to exert our energies in finding where the burden of taxation may, in some measure, be lifted from the shoulders of our people.

Existing conditions should admonish us to exercise the strictest economy in all matters and in every direction. The enormous expense incurred by investigating committees, some of them perhaps of doubtless necessity, and the liberality with which the public funds have been heretofore used in contested election cases, have very properly arrested public attention, and I earnestly urge upon your honorable bodies the curtailment of expenses of this character.

Your prompt action upon and speedy disposition of the work remaining before you, making an early adjournment possible, will, I am confident, meet with the approval of the people of the Commonwealth.

DANIEL H. HASTINGS.

To the Senate Nominating Benjamin P. Opdyke Director of the Nautical School at Philadelphia.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, June 14, 1897.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Benjamin P. Opdyke, of Philadelphia, to be director of the Nautical School at Phila-

delphia, to serve for the term of six years, to compute from May 3, 1897.

DANIEL H. HASTINGS.

To the Senate Nominating John D. Shafer Judge of Court of Common Pleas No. 2 of the Fifth Judicial District.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, June 14, 1897.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, John D. Shafer, of Allegheny county, to be judge of the Court of Common Pleas No. 2, of the Fifth judicial district of Pennsylvania.

DANIEL H. HASTINGS.

To the Senate Nominating John McDowell a Commissioner of the National Road.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, June 14, 1897.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, John McDowell, of Washington county, to be commissioner of the National road, for the term of three years, to compute from June first, 1897.

DANIEL H. HASTINGS.

To the Senate Nominating John T. Eams Manager of
the Pennsylvania Reform School at Morganza.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, June 14, 1897.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, John T. Eams, of Greene county, to be manager of the Pennsylvania Reform School at Morganza, to serve until the first Monday in May, 1901.

DANIEL H. HASTINGS.

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To the Senate Vetoing "An Act to Amend 'An Act Relating to the Collection of Taxes in the County of Cambria,' Further Regulating the Compensation of the Treasurer of Said County for the Collection of Said Taxes."

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, June 14, 1897.

I RETURN HEREWITH WITHOUT MY APPROVAL, Senate bill No. 269, entitled "An act to amend section nine of an act, entitled 'An act relating to the collection of taxes in the county of Cambria,' approved the eighth day of April, Anno Domini one thousand eight hundred and seventy two, further regulating the compensation of the treasurer of said county for the collection of said taxes."

By the special act of Assembly approved April 8th, A. D. 1872, the treasurer of the county of Cambria is entitled to receive five per centum of all taxes collected

and paid out by him and the bill under consideration is an amendment to that act reducing the commission from five per centum to two per centum. I am convinced that the object of the bill is entirely proper but is clearly in conflict with section 7, article III of the Constitution, which provides amongst other things, that "the General Assembly shall not pass any local or special law * * * regulating the affairs of counties, cities, townships, wards, boroughs or school districts."

For this reason alone I withhold my approval.

DANIEL H. HASTINGS.

To the Senate Vetoing "An Act to Amend 'An Act to Incorporate the Village of Saint Clair into a Borough to be Called Saint Clair,' Providing for the Election of a Supervisor by the Electors of Said Borough."

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, June 14, 1897.

I RETURN HEREWITH WITHOUT MY APPROVAL, Senate bill No. 279, entitled "An act, entitled an act to amend the act, entitled 'An act to incorporate the village of Saint Clair into a borough to be called Saint Clair,' approved the sixth day of April, Anno Domini one thousand eight hundred and fifty, providing for the election of a supervisor by the electors of said borough of Saint Clair in the county of Schuylkill."

This bill is in direct conflict with section 7, article III of the Constitution which provides, amongst other things, that "The General Assembly shall not pass any

local or special law * * * regulating the affairs of counties, cities, townships, wards, boroughs or school districts."

The bill under consideration should it become a law would regulate the affairs of the borough of Saint Clair and this is clearly forbidden by the Constitutional provision above cited.

DANIEL H. HASTINGS.

Speech Before the Republican National Convention at St. Louis in 1896 Naming Senator Matthew Stanley Quay of Pennsylvania as a Candidate for the Nomination for President of the United States.

Mr. Chairman and Gentlemen of the Convention:—

PENNSYLVANIA COMES TO THIS CONVENTION, giving you the cordial assurance that, whoever may be our National standard bearer, he will receive of all the States in the Union, the largest majority from the Keystone State.

There have been no faltering footsteps in Pennsylvania when the tenets of Republicanism have been at stake. Our Party's principles have always been held as sacred as Independence Hall or the memory of her dead soldiers. Having within her borders more American citizens relatively who own the homes in which they live; whose principal daily avocation is to subdue and develop her great store houses of native wealth; whose wage earners, skilled and unskilled, receive, one year with another, the highest average American wage rate—the Republicans of Pennsylvania, by their chosen representatives, come to this convention and, with you, demand, and their every interests demand, a system of national currency equal to the best in the world.

They demand as well that the Government they love and for whose flag they have fought, and still stand ready to defend, shall pay its debts in money and not in promises. They insist that a dollar is not created by the fiat of the government, but must have 100 cents of intrinsic or unchangeable value, measured by the world's standard, and that any debasement of the standard would be fatal to business security and national honor.

They believe in the old-fashioned custom of living within their income, and when the income is unequal to the necessary outgo they insist upon increasing their revenue rather than increasing their debt. They believe that the primary object of government is to defend and promote the interests of the people who have ordained that government for the advancement of their common welfare. They hold that the revenue policy and the protective policy go hand in hand, and they stand as the sturdy and unwavering champions of that American system of fair and evenhanded protection which, injuring none and helping all, has made this nation great and prosperous.

Pennsylvania comes to this Convention and with great unanimity asks you to name a standard bearer who will represent not only the principles and conditions, but the brightest hopes and aspirations of the Republican party; a man who has been a loyal supporter of its every great movement; a potent factor in its councils from the day of its birth and baptism on Pennsylvania soil, to the present time; a man whose every vote and utterance has been upon the side of sound money, fair protection and a strong and patriotic Americanism.

Those whom I represent and who ask his nomination at your hands, point to a statesman, who has been in the forefront of every battle for his party; who has been its champion, its wise counsellor, its organizer and

the successful leader of its forlorn hopes. He was with those patriots who rocked the cradle of Republicanism; he was among the first to comprehend the magnitude of the armed debate of '61 and to give himself to the Union cause. In 1878 he stemmed the tide of currency inflation and won a victory which, while less ostentatious, was equal in importance to his successful rescue of the country from free trade and Grover Cleveland in '88.

The American citizen who believes that all laws and all policies should be for America's best interest; the American soldier who admires valor as much as he loves the flag of his reunited country; the American wage earner who loves his home and family and who will never consent to sink himself to the wage level of the foreign pauper; the American manufacturer emerging from the tortures of a free trade panic, and, anxious to relight the fires of industry where darkness and silence still hold sway; they who loudly proclaim their recent but perfect conversion to the true gospel of Republicanism; they who demand dollars as good as gold as the wage for good work; who believe in commercial reciprocity with other Nations, but who say "Halt" to any further foreign encroachment upon any part of America—these, all these, have found in him a steadfast friend and able supporter.

He was the soldier's friend in war and he has been their constant champion in peace. The survivors of those who fought for freedom and won immortal fame, recognize in him a comrade whose valor has been proved on hard fought field and attested in the proudest trophy ever won by soldier—the decoration awarded him by the American Congress.

Called to lead a forlorn hope in the great campaign of '88, he wrought a task equal to the six labors of Hercules. He organized the patriotism and Republicanism of the country for victory. He throttled the

Tammany tiger in his den, and, forcing an honest vote and an honest count in the stronghold of the most powerful and corrupt political organization in the land, rescued the country from the heresies of Democracy. Having thus made himself too powerful and too dangerous to the enemy, the order went forth to assassinate him, but the poisoned arrows of slander and vituperation, thrown in bitter and relentless hatred, fell broken at his feet. He turned to the people among whom he lived and whose servant he was, and his vindication at their hands was an unanimous re-election to the Senate of the United States.

There, representing imperial Pennsylvania and her interests he stood like a rock, resisting the combined power of a free trade president and party, until the deformity known as the Wilson bill, was altered and amended so as to save at least some of the business interests of his state and country from the entire and utter ruin.

We welcome the issue — American protection; American credit and an American policy. Let the people in the campaign which this Convention inaugurates, determine whether they are willing to live through another free trade panic. Let the wage-earner and the wage-payer contemplate the bitter experiences which brought hunger to the home and financial ruin to the other. Let the American farmer compare farm-product prices with free trade promises. Let him who has saved a surplus and him who works for a livelihood, determine each for himself, if he craves to be paid in American dollars, disgraced and depreciated to half their alleged value. Let him who fought for his country's flag; let the widow, the orphan and the loving parent who gave up that which was as precious as life, behold that flag and all it stands for, pawned to a foreign and domestic joint syndicate to raise temporary loans for the purpose of postponing the final financial disaster and answer whether they want this shame and

humiliation repeated. Let the sovereign voice be heard in the coming election declaring that the only government founded on the rock of freedom, blessed with every gift of nature and crowned with unmeasured possibilities, shall not be dethroned, degraded, pauperized by a party and a policy at war with the very genius of our national existence.

Nominate him whom I now name and this country will have a President whose mental endowments, broad-minded statesmanship, ripe experience, marvelous sagacity, unassuming modesty, knightly courage and true Americanism are unexcelled. Nominate him and he will elect himself.

I name to you the soldier and the statesman, Pennsylvania's choice—Matthew Stanley Quay.

To the Assembly Vetoing "An Act Making it Lawful to Erect and Maintain Fences Constructed in Whole or in Part of Wire Along the Public Roads, and Between Adjoining Lands in this Commonwealth."

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., June 15, 1897.

I RETURN HEREWITH WITHOUT MY APPROVAL, House bill No. 213, entitled "An act making it lawful to erect and maintain fences constructed in whole or in part of wire along the public roads and between adjoining lands in this Commonwealth."

The bill by its second section provides that "Whenever any person shall, by virtue of the provisions of any law of this Commonwealth, be required or compelled to erect any line fence or any fence along any public highway, such person shall be deemed to have fully complied with such requirement when he shall have erected a fence of sufficient height, constructed in whole or in part of wire." This is a legislative declaration of what shall constitute a sufficient "line fence or any fence along any public highway," and the legislative requirement would seem to be fulfilled if such fence is of sufficient height and constructed in whole or in part of wire. In what manner the sufficiency of the height is to be determined is not set forth in the bill. Whether such fence is to have one wire or more, and, if more, how many, is not mentioned in the bill; nor is it provided that the fence shall be of sufficient strength to serve the purpose for which it is erected. The bill is indefinite in its description of the character of the fence and inadequate in all its provisions. Furthermore, the third section provides that all acts and parts of acts inconsistent with the provisions of the act are repealed. This would be likely to lead to great confusion in the fence laws and cause much expensive litigation.

DANIEL H. HASTINGS.

To the Senate Nominating F. A. Boericke a Member
of the State Pharmaceutical Examining Board.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, June 22, 1897.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, F. A. Boericke, of Philadelphia, to be a member of the State Pharmaceutical Examining Board, to serve for the term of five years, from June 23, 1897.

DANIEL H. HASTINGS.

To the Senate Nominating Ernest La Place a Member of the State Quarantine Board for the Port of Philadelphia.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, June 22, 1897.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Ernest LaPlace, M. D., of Philadelphia, to be a member of the State Quarantine Board for the port of Philadelphia, for the term of two years, to compute from July 1, 1897.

DANIEL H. HASTINGS.

To the Senate Giving Notice of the Approval of an Act Relative to Transportation for School Children.

Commonwealth of Pennsylvania,

Executive Chamber,

Harrisburg, June 24, 1897.

Gentlemen:—

IN THE 23d DAY OF JUNE, A. D. 1897, I RECEIVED a concurrent resolution originating in the Senate under date of June 22, 1897, and concurred in by the House of Representatives on the same day, resolving "that House bill No. 323, which is Senate bill No. 473, entitled "An act to authorize school directors and controllers to provide transportation for school children at the expense of the district to the public schools of the district in which they reside or to the schools of neighboring districts," be re-called from the Executive for the purpose of amendment." In reply to said resolution, I respectfully advise you that on the 22d day of June, 1897, I approved the said bill and, on the 23d day of June, 1897, notified the Senate of the approval of the same previous to the time of the receipt of the concurrent resolution.

DANIEL H. HASTINGS.

To the Senate Vetoing "An Act Authorizing the Appointment of a Stenographer and Typewriter in the Office of the Health Officer of the Port of Philadelphia, and Fixing the Salary."

Commonwealth of Pennsylvania,

Executive Department,

Harrisburg, Pa., June 25, 1897.

I RETURN HEREWITH WITHOUT MY APPROVAL, Senate bill No. 67, entitled "An act authorizing the appointment of a stenographer and typewriter in the office of the health officer of the port of Philadelphia, and fixing the salary."

The title to this act clearly indicates its purpose. It authorizes the appointment of a stenographer and typewriter at a salary not exceeding one thousand dollars per annum. I have no doubt that a stenographer and typewriter would be useful and desirable in the office of the health officer of the port of Philadelphia, but at this time the strictest economy in public expenditures is absolutely necessary, and I feel constrained to withhold my approval from any measure that will in any degree increase the public burdens.

DANIEL H. HASTINGS.

To the Senate Vetoing "An Act Authorizing the Cities of this Commonwealth to Purchase, Acquire, Take, Use and Appropriate Private Properties for Public Park Purposes."

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., June 25, 1897.

I RETURN HEREWITH WITHOUT MY APPROVAL, Senate bill No. 159, entitled "An act authorizing cities of this Commonwealth to purchase, acquire, take, use and appropriate private properties for public park purposes."

This bill provides that it shall be lawful for the cities of this Commonwealth to purchase, acquire, enter upon, take, use and appropriate private property within the corporate limits of such city, or convenient or adjacent thereto, for the purpose of making, enlarging or maintaining public parks, and provides for the levying and collecting of special taxes for the improvement, regulation and government of the same. It also provides that where said property is outside of the city,

it may be annexed thereto by ordinance of such city. By this proviso any city in the Commonwealth, situate on or near the boundary line of any county, would have the power to acquire property in an adjoining county for park purposes, and, by an ordinance of annexation, attach the territory of the adjacent county to said city and extend the limits of said city beyond the county lines. This, in my judgment would be granting an unusual and unwarranted power. The effect of this legislation would be to give to cities the power to disrupt adjoining counties.

DANIEL H. HASTINGS.

To the Senate Vetoing "An Act to Repeal a Portion of the Third Section of An Act, Entitled 'An Act to Incorporate the Borough of Parnassus in the County of Westmoreland,' Approved April Ninth, One Thousand Eight Hundred and Seventy-two."

Commonwealth of Pennsylvania,

Executive Department,

Harrisburg, Pa., June 25, 1897.

I RETURN HEREWITH WITHOUT MY APPROVAL, Senate bill No. 15, entitled "An act to repeal a portion of the third section of an act, entitled 'An act to incorporate the borough of Parnassus in the county of Westmoreland,' approved April ninth, one thousand eight hundred and seventy-two."

By an act of Assembly approved April 9, 1872, the borough of Parnassus, in the county of Westmoreland, was incorporated. By section 3 of the act of incorporation the provisions of the act of incorporation of the borough of Birmingham, in the county of Allegheny, and its various supplements, were extended to the said

borough of Parnassus. The bill under consideration proposes to repeal that part of section 3 of the act of incorporation which extends the provisions of the act of incorporation of the borough of Birmingham to the borough of Parnassus, thus amending, by repealing a part of a section, the act of incorporation of said last named borough.

This I believe to be clearly forbidden by section 7 of Article III of the Constitution, which provides, amongst other things, that "the General Assembly shall not pass any local or special law * * * * regulating the affairs of counties, cities, townships, wards, boroughs or school districts."

DANIEL H. HASTINGS.

To the Assembly Vetoing "An Act to Provide for the Incorporation and Regulation of Certain Corporations," approved the Twenty ninth Day of April, Anno Domini One Thousand Eight Hundred and Seventy-Four, Providing for the Publication in Separate Pamphlet Form of a Certified List of all Charters of Incorporation."

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., June 25, 1897.

I RETURN HEREWITH WITHOUT MY APPROVAL, House bill No. 350, entitled "An act to amend the forty-fifth section of an act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved the twenty-ninth day of April, Anno Domini one thousand eight hundred and seventy-four, providing for the publication in separate pamphlet form of a certified list of all charters of incorporation."

Under existing laws the Secretary of the Commonwealth is required to prepare and publish, with every edition of the pamphlet laws, a certified list of all charters of incorporation filed in his office and incorporated under the provisions of the act of 29th April, 1874, stating the style, title, purpose and location of every such corporation. The bill under consideration proposes to amend existing law by requiring the publication of said list of charters in separate pamphlet form and thus omitting such list from publication in the pamphlet laws.

I am of the opinion that the proposed change has no good reason to support it. The list of charters is now very properly found in the volume of the pamphlet laws. It is there more readily accessible and more permanently preserved than it would be in the separate pamphlet publication proposed. In the twenty-three years that have elapsed since the present practice was authorized by law, I am aware of no inconvenience resulting therefrom.

DANIEL H. HASTINGS.

To the Assembly Vetoing "An Act to Pension W. S. Maxey, Private in Company G, National Guards of Pennsylvania, for Illness Contracted in Service of the State."

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., June 25, 1897.

I RETURN HEREWITH WITHOUT MY APPROVAL, House bill No. 588, entitled "An act to pension W. S. Maxey, private in company G, National Guard of Pennsylvania, for illness contracted in service of the State."

The preamble to this bill recites that the claimant, while in the service of the State during the encampment at Gettysburg in the year 1894, was taken ill with typhoid fever as a result of his exposure during the said service in the National Guard, and was confined to his house, on account of such illness, from the 4th day of September until the 15th of November of that year. By the terms of the bill the State Treasurer is authorized and required to pay the claimant the sum of three hundred and ninety dollars as "compensation for the loss of his time from his professional business, as well as reimbursement for the expenses of medical attendance, medicine and nursing necessary by reason of his disabilities," &c.

This bill is one of three now before me, all relating to members of the National Guard. The other two are House bills No. 354 and 774. No. 354 appropriates the sum of one hundred dollars to William M. Gordon for loss of time resulting from injuries received while in the performance of his duty, and No. 774 grants an annuity to Lucy T. Keller, widow of Jefferson M. Keller, who, as is alleged in the bill, died in 1896 from the effects of injuries received in 1881 while a member of the National Guard.

During the legislative session of 1895 I approved several bills granting annuities to persons who claimed to have received permanent disabilities in the service of the Commonwealth as members of the National Guard, but not until after convincing proofs which left no doubt as to the merits of the claims. No proof whatever has been furnished me in the cases now under consideration either of the fact of the disabilities or that they were contracted in the line of duty.

I again most respectfully urge upon the General Assembly the necessity of some general legislation which will provide a careful examination into the merits of all applications of the character of the one in question. Such examination is absolutely necessary to protect

the public treasury. Those who have just claims upon the State should be the recipients of its bounty, but the proof of the merits of the claims should be clear and indisputable. In these cases such proofs are absolutely wanting.

DANIEL H. HASTINGS.

To the Assembly Vetoing "An Act Making an Appropriation to William M. Gordon, a Private of Company A, Fifth Regiment Infantry, National Guard of Pennsylvania, on Account of Disabilities Incurred While on Duty at the Annual Encampment at Lewistown, one Thousand Eight Hundred and Ninety-six."

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., June 25, 1897.

I RETURN HEREWITH WITHOUT MY APPROVAL, House bill No. 354, entitled "An act making an appropriation to William M. Gordon, a private of company A, Fifth regiment infantry, National Guard of Pennsylvania, on account of disabilities incurred while on duty at the annual encampment at Lewistown, one thousand eight hundred and ninety-six," for the reasons set forth in the veto of House bill No. 588.

DANIEL H. HASTINGS.

To the Assembly Vetoing "An Act Granting an Annuity to Lucy T. Keller, Widow of Jefferson M. Keller, Late of Scranton, Pennsylvania, who was a Private of Company A, Thirteenth Regiment, National Guard of Pennsylvania."

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., June 25, 1897.

I RETURN HEREWITH WITHOUT MY APPROVAL, House bill No. 774, entitled "An act granting an annuity to Lucy T. Keller, widow of Jefferson M. Keller, of Scranton, Pennsylvania, who was a private of company A, Thirteenth regiment, National Guard of Pennsylvania," for the reasons set forth in the veto of House bill No. 588.

DANIEL H. HASTINGS.

To the Assembly Vetoing "An Act to Provide an Annuity to Alexander C. Bell, Late a Private in the Latrobe Light Guard, Afterwards Known as Company K, Eleventh Regiment, Pennsylvania Volunteer Infantry, for Disability Produced by Incipient Phthisis which he Contracted at Camp Curtin, near Harrisburg, Pennsylvania, while in the Military Service of the United States."

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., June 25, 1897.

I RETURN HEREWITH WITHOUT MY APPROVAL House bill No. 496, entitled "An act to provide an annuity to Alexander C. Bell, late a private in the Latrobe Light Guard, afterwards known

as company K, Eleventh regiment Pennsylvania Volunteer Infantry, for disability produced by incipient phthisis which he contracted at Camp Curtin near Harrisburg, Pennsylvania, while in the military service of the United States."

This bill appropriates one hundred and ninety-two dollars annually to Alexander C. Bell, as compensation for disability produced by incipient phthisis which he contracted at Camp Curtin, near Harrisburg, Pennsylvania; in 1861. The title of the act recites that his disease was contracted at Camp Curtin while in the military service of the United States, but no evidence of any kind has been submitted to me tending to show that such is the fact. If the beneficiary was in the military service of the United States, he would be entitled to a pension from the federal government if his case were meritorious and proper proof made. The disability upon which this claim is based was contracted, as the bill alleges, thirty-six years ago, and the delay in presenting the claim would seem to be almost conclusive against it. I again respectfully call attention to the necessity of passing some general law providing for the proper and systematic adjudication of cases of this character.

DANIEL H. HASTINGS.

To the Assembly Vetoing "An Act to Repeal 'An Act to Repeal "An Act to Provide for an Election of Supervisor and Treasurer in the Town of Girardville, County of Schuylkill,' "

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., June 25, 1897.

I RETURN HEREWITH WITHOUT MY APPROVAL, House bill No. 527, entitled "An act to repeal an act, entitled 'An act to repeal an act, entitled 'An act to provide for an election of supervisor and treasurer in the town of Girardville, county of Schuylkill,' approved the twenty-eighth day of March, Anno Domini one thousand eight hundred and seventy-three,' approved the twenty-third day of May, Anno Domini one thousand eight hundred and eighty-seven."

By act of Assembly approved March 28, 1873, the qualified electors of the borough of Girardville, in the county of Schuylkill, were authorized to elect one person as borough supervisor and one person as borough treasurer. This special act of Assembly continued in force until May 23, 1887, when the General Assembly passed an act repealing it. The bill under consideration proposes to repeal the act of May 23, 1887, and thus make effective the special act of 1873, or to state it differently, to re-enact such special act. This is clearly in conflict with section 7 of article III of the Constitution, which forbids the General Assembly to "pass any local or special law * * * regulating the affairs of counties, cities, townships, wards, boroughs or school districts."

DANIEL H. HASTINGS.

To the Senate Nominating Robert Pitcairn Manager
of the Western Pennsylvania Hospital, at Dix-
mont.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, June 30, 1897.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE
honor hereby to nominate for the advice and con-
sent of the Senate, Robert Pitcairn, of Pittsburg,
to be manager of the Western Pennsylvania Hospital,
at Dixmont, for the term of one year.

DANIEL H. HASTINGS.

To the Senate Nominating William Connell a Trustee
of the State Hospital for the Insane at Danville.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, June 30, 1897.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE
honor hereby to nominate for the advice and con-
sent of the Senate, William Connell, of Scranton,
to be trustee of the State Hospital for the Insane, at
Danville, to serve until February 24, 1900, vice B. H.
Throop, deceased.

DANIEL H. HASTINGS.

To the Senate Nominating Thomas Robinson Superintendent of Public Printing and Binding.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, June 30, 1897.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Thomas Robinson, of Butler, to be Superintendent of Public Printing and Binding, for the term of four years from July 1, 1897.

DANIEL H. HASTINGS.

Veto of "An Act to Validate the Indebtedness of any Borough Hereinbefore Incurred."

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., July 9, 1897.

I HEREWITH FILE IN THE OFFICE OF THE Secretary of the Commonwealth, with my objections thereto, Senate bill No. 12, entitled "An act to validate the indebtedness of any borough hereinbefore incurred."

The purpose of this bill is to make valid any indebtedness incurred by a borough, township or other municipality in pursuance of a majority vote of the electors therein, at an election held for that purpose, the amount of which exceeds two per centum of the taxable valuation of property therein.

Section 8 of article IX, of the Constitution provides that "That debt of any county, city, borough, township, school district or other municipality or incorporated district * * * shall never exceed seven per

centum upon the assessed value of the taxable property therein," but this bill contains no such limitation. It undertakes to make valid any indebtedness incurred by a vote of the electors exceeding two per centum, without regard to the constitutional limitation of the entire indebtedness to seven per centum.

Another fatal objection to this bill is that the title limits its provisions to "boroughs," whereas the body of the act includes not only boroughs but also townships and other municipalities, thus violating the constitutional requirement that the subject of the bill shall be clearly set forth in the title.

The title to the act under consideration furnishes an illustration of the carelessness which obtains in the drawing and transcribing of bills. In the manuscript copy of the bill before me is plainly written the words "hereinbefore incurred," when it is obvious that the word intended to be used was "heretofore."

DANIEL H. HASTINGS.

Veto of "An Act to Amend "An Act Providing for the manner of Ascertaining, Determining, Awarding and Paying Compensation and Damages in All Cases Where Municipalities of this Commonwealth May Hereafter be Authorized by Law to Take, Use and Appropriate Public Property for the Purpose of Making, Enlarging and Maintaining Public Parks Within the Corporate Limits of Such Municipalities,' "

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., July 9, 1897.

I HEREWITH FILE IN THE OFFICE OF THE Secretary of the Commonwealth, with my objections thereto, Senate bill No. 157, entitled "An act to amend an act, entitled 'An act providing for the

manner of ascertaining, determining, awarding and paying compensation and damages in all cases where municipalities of this Commonwealth may hereafter be authorized by law to take, use and appropriate public property for the purpose of making, enlarging and maintaining public parks within the corporate limits of such municipalities," approved the eighth day of June, one thousand eight hundred and ninety five."

This bill by its title proposes to amend a certain act approved the 8th day of June, 1895, and in its first section enacts that section 1 of such act (reciting title and date of approval) "which reads as follows: That it shall be lawful for, and the right is hereby conferred upon, the cities of this Commonwealth to purchase, acquire, enter upon, take, use and appropriate private property for the purpose of making, enlarging or extending and maintaining public parks within the corporate limits of such cities whenever the councils thereof shall by ordinance or joint resolution determine thereon, be amended," &c. Then follows the proposed amendment.

By reference to the act referred to in the title, approved June 8, 1895, I find that no such section appears in that act. As a matter of fact the section recited in the bill, which it proposes to amend, is section 1 of an act, entitled "An act authorizing the cities of this Commonwealth to purchase, acquire, take, use and appropriate private property for public park purposes," approved June 26, 1895. The act under consideration would be entirely nugatory if approved by me, and I therefore withhold such approval.

DANIEL H. HASTINGS.

Veto of "An Act Granting an Annuity to Solomon Thomas of Mifflin County, Pennsylvania, a Private in Captain David Mitchell's Independent Company of Pennsylvania Militia."

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., July 9, 1897.

I HEREWITH FILE IN THE OFFICE OF THE Secretary of the Commonwealth, with my objections thereto, Senate bill No. 421, entitled "An act granting an annuity to Solomon Thomas, of Mifflin county, Pennsylvania, a private in Captain David Mitchell's Independent Company of Pennsylvania Militia."

The preamble to this bill recites that Solomon Thomas was enrolled on the 28th day of June, 1863, as a member of Captain David Mitchell's Independent Company of Pennsylvania Militia, was honorably discharged at Harrisburg on the 2d day of September of the same year, and during that period contracted malarial chills and disease of the heart from which he is now suffering. The bill provides that Mr. Thomas be paid an annuity of one hundred dollars from the first day of January, 1897.

Thirty-four years have elapsed since the incurring of the disability set forth in the bill, and not an iota of proof is furnished me as to the present condition of the claimant, or that such condition, if it exists, is traceable to his services in the militia. Legislation of this character is dangerous and tends to imposition upon both the Legislature and the Executive.

DANIEL H. HASTINGS.

Veto of "An Act Granting an Annuity to Jacob H. Howell, of McClure, Snyder County, Pennsylvania, a Private in Captain David H. Mitchell's Independent Company, Pennsylvania State Militia."

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., July 9, 1897.

I HEREWITH FILE IN THE OFFICE OF THE Secretary of the Commonwealth, with my objections thereto, Senate bill No. 419, entitled "An act granting an annuity to Jacob H. Howell, of McClure, Snyder county, Pennsylvania, a private in Captain David H. Mitchell's Independent Company of Pennsylvania State Militia," for the reasons set forth in the veto of Senate bill No. 421.

DANIEL H. HASTINGS.

Veto of "An Act to Amend 'An Act to Consolidate, Revise and Amend the Laws of this Commonwealth Relating to Penal Proceedings and Pleadings,' so as to Dispense with the Endorsing or Backing of Warrants by Aldermen and Justices of the Peace Out of the Jurisdiction of the Alderman or Justice Granting the Warrant, and Requiring that Warrants so Issued Shall be Stamped with the Official Seal of the Officer Issuing the Same."

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., July 9, 1897.

I HEREWITH FILE IN THE OFFICE OF THE Secretary of the Commonwealth, with my objections thereto, House bill No. 112, entitled "An act to amend section three of an act, entitled 'An act to

consolidate, revise and amend the laws of this Commonwealth relating to penal proceedings and pleadings,' approved the thirty-first day of March, Anno Domini one thousand eight hundred and sixty, so as to dispense with the endorsing or backing of warrants by aldermen and justices of the peace out of the jurisdiction of the aldermen or justice granting the warrant, and to require aldermen and justices to keep an official seal and stamp all warrants granted with said seal, requiring that warrants so issued shall be stamped with the official seal of the officer issuing the same."

Under the penal code of this State, approved the 31st day of March, 1860, it is provided that, in case any person, against whom a warrant may be issued by any judge or alderman of any city, or justice of the peace of any county, in this Commonwealth, for any offense there committed shall escape or go into any other city or county out of the jurisdiction of the judge, alderman or justice of the peace granting such warrant, it is made and declared to be the duty of any alderman or justice of the peace of the city or county where such person shall escape, go into or be, upon proof being made upon oath or affirmation of the handwriting of the judge, alderman or justice granting the warrant, to endorse his name on such warrant, which shall be sufficient authority to the person executing such warrant to execute the same in such other city or county out of the jurisdiction of the alderman or justice granting the warrant as aforesaid, and to apprehend and carry such offender before the alderman or justice who endorsed such warrant, or some other alderman or justice of such other city or county where such warrant was endorsed. It is further made the duty of such alderman to admit the person arrested to bail if the offense be bailable.

The bill under consideration proposes to amend existing law so as to make it unnecessary for the officer holding a warrant to have it endorsed by an alderman or justice of the county where the defendant may be, and gives the officer power to make the arrest precisely in the same manner as though the defendant were found within the jurisdiction of the alderman or justice of the peace who issued the warrant. Under the law as it now is it is made the duty of the officer to carry the offender before the alderman or justice of the peace who endorsed the warrant, or some other **alderman or justice of the city or county.**

I am of the opinion that the proposed amendment, if it became a law, might work hardship to the citizens by taking away the safeguard that now exists, which requires proof to be made in the county where the arrest is made of the handwriting of the alderman or justice of the peace who granted the warrant. It might result in a serious abuse of legal process for the purpose of coercing the payment of debts or, by the issuance of fictitious warrants, the carrying away of a citizen from his home to a remote part of the state where he finds himself amongst strangers and unable to get bail. The duty now required by law, as a condition precedent to the arrest, is in no wise burdensome, but, in my opinion, an eminently proper safeguard to the liberty of the citizen.

DANIEL H. HASTINGS.

Veto of "An Act to Protect the Owner and Agents of Stallions in the Collection of Fees for the Services of Said Stallions, and to Secure the Fees for the Services of said Stallion by a Lien on the Colt Produced by Said Services, for the Amount Agreed Upon Between the Parties at the Time of the Service, and that the Same May be Collected in the Same Manner as Other Debts are now Collected."

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., July 9, 1897.

I HEREWITH FILE IN THE OFFICE OF THE Secretary of the Commonwealth, with my objections thereto, House bill No. 398, entitled "An act to protect the owner and agents of stallions in the collection of fees for the services of said stallions, and to secure the fees for the services of said stallion by a lien on the colt produced by said services, for the amount agreed upon between the parties at the time of the service, and that the same may be collected in the same manner as other debts are now collected."

The debt for which a lien is provided by the terms of this bill is not such as appeals to me as sufficiently meritorious to give the creditor a remedy superior to **and** more effective than is given to those engaged in **the** ordinary transactions of life.

DANIEL H. HASTINGS.

Veto of "An Act Regulating all Advertisements and Notices Required by Law to be Published in Counties of this Commonwealth."

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., July 9, 1897.

I HEREWITH FILE IN THE OFFICE OF THE Secretary of the Commonwealth, with my objections thereto, Senate bill No. 191, entitled "An act regulating all advertisements and notices required by law to be published in counties of this Commonwealth."

The bill provides that legal advertisements published in any county of the Commonwealth that contains, according to the last United States Census, a population of over seventy thousand persons who emigrated from Germany, shall be published in one German newspaper of general circulation printed in such county, in addition to the publication required in newspapers printed in English.

The language of the Commonwealth of Pennsylvania and of the United States of America is English. The proceedings of our courts are conducted and the records of our courts are kept in the English language. I recognize the fact that we have a large number of German immigrants forming a part of our population and that they are amongst our most useful and industrious citizens. The German immigrants and all others are presumably here for the purpose of becoming citizens of the United States, and it is one of the duties of the foreigner who becomes a citizen in all respects to conform to our laws and customs. The privilege of citizenship carries with it the obligation to learn to speak, read and write the English language. This is certainly not encouraged, but rather discouraged, by providing that legal advertisements may be

published in the German language. If it be sound in principle that our German population may have legal advertisements published in German newspapers, then the immigrants from any other country residing with us would be entitled to publication in newspapers of their language. Nor do I see any good reason why the county containing seventy thousand persons who emigrated from Germany should have a privilege different from that accorded to counties containing a less number, as the proportion of the immigrants from Germany in the less populous counties of the state might be greater than in the county containing seventy thousand such persons. It should be noted, too, that the bill provides for publication where the population is seventy thousand persons who emigrated from Germany, whether such persons are citizens or not.

DANIEL H. HASTINGS.

Veto of "An Act to Amend 'An Act to Correct errors of Description in Writs of Venditioni Exponas and the Sheriff's Deed in the Case of the Sale of Real Estate Upon Such Writs,' so as to Leave Out the Limitation of Time to One Year and Certain Notices, and Giving the Court Power to Correct Names of Parties."

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., July 14, 1897.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 127, entitled "An act to amend an act, entitled 'An act to correct errors of description

in writs of venditioni exponas and the sheriff's deed in the case of the sale of real estate upon such writs, approved the twenty-fourth day of June, one thousand eight hundred and ninety five, so as to leave out the limitation of time to one year and certain notices, and giving the court power to correct names of parties."

By an act of Assembly passed in 1895, which this bill seeks to amend, errors of description in real estate in the writs of venditioni exponas or in the sheriff's deed made upon sale thereon could be corrected on application to the court within one year, if the property was correctly described in the levy endorsed upon the writ of fieri facias. The amendment proposed by this bill is to give the court power to correct mis-descriptions of the parties as well as the property, and to repeal the limitation of one year within which the application to the court is, under existing law, required to be made. Being of the opinion that the limitation contained in existing law is a salutary one, and that the right to apply to the court for a correction of the description of the party or the property at any time, even after all parties in interest are dead, and after encumbrances may have been created and other rights intervened, might work injustice, I withhold my approval.

DANIEL H. HASTINGS.

Veto of "An Act to Repeal 'An Act Relative to Public Roads in Luzerne Township, Fayette County,' Extending the Privileges of Said Act to Said Township so Far as the Same Relates to the said Township of German in Said County of Fayette."

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., July 14, 1897.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 154, entitled "An act to repeal an act approved the twenty-seventh day of February, one thousand eight hundred and seventy-three, entitled 'An act relative to public roads in Luzerne township, Fayette county,' extending the privileges of said act to said township so far as the same relates to the said township of German in said county of Fayette."

This bill is entitled "An act to repeal an act approved the twenty seventh day of February, one thousand eight hundred and seventy-three, entitled 'An act relative to public roads in Luzerne township, Fayette county.' " No such act of Assembly was passed in the year 1873. The act intended to be amended was approved the eighteenth day of March, Anno Domini one thousand eight hundred and sixty-nine, and appears in the pamphlet laws of that year, page 387. To approve the act could not make it operative, and my approval is therefore withheld.

DANIEL H. HASTINGS.

Veto of "An Act to Amend 'An Act to Provide for the Licensing of Buildings and Other Places in which Theatrical, Operatic or Circus Performance are Held, and Menageries or Museums are Exhibited, and Fixing the Price to be Paid for Said Licenses,' Exempting Buildings Used for Such Purposes in Boroughs and Townships Having a Population of Less than One Thousand Five Hundred People."

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., July 14, 1897.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 234, entitled "An act to amend the first section of an act, entitled 'An act to provide for the licensing of buildings and other places in which theatrical, operatic or circus performances are held, and menageries or museums are exhibited, and fixing the price to be paid for said licenses,' approved the twenty fourth day of June, Anno Domini one thousand eight hundred and ninety five, exempting buildings used for such purposes in boroughs and townships having a population of less than one thousand five hundred people."

By an act of Assembly passed in 1895, and referred to in the title of this bill, owners or lessees of buildings fitted up and used for theatrical or operatic entertainments, or for the exhibition of museums, were required to pay for the use of the Commonwealth an annual license at rates according to the classification therein named, such classification being cities of the first, second and third classes and boroughs and townships, the license fee for such buildings in boroughs and townships being thirty dollars. The bill under consideration so amends the act of 1895 as to exempt all such buildings in boroughs and townships having a

population of less than one thousand five hundred, and changes the license fee in boroughs and townships from thirty dollars, under existing law, to twenty dollars under the proposed amendment.

I can see no good reason for a reduction of the license fee, and it is also very clear that boroughs and townships cannot be classified according to their population. The law should apply alike to all boroughs and all townships. If boroughs of less than one thousand five hundred population may be exempted from the operations of this act, there is no reason why boroughs of five thousand population or more might not also be exempted. For these reasons I withhold my approval.

DANIEL H. HASTINGS.

Veto of "An Act Regulating the Salaries of Court Criers and Tipstaves in the Court of Common Pleas, Quarter Sessions and Oyer and Terminer and Orphans' Court in all Counties of this Commonwealth Having a Population of One Hundred and Fifty Thousand and not Exceeding Five Hundred Thousand."

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., July 14, 1897.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth. House bill No. 309, entitled "An act regulating the salaries of court criers and tipstaves in the court of common pleas, quarter sessions and oyer and terminer and orphans' court in all the counties of this

Commonwealth having a population of one hundred and fifty thousand and not exceeding five hundred thousand."

The effect of this bill, if it became a law, would be to pay fixed annual salaries for court criers and tipstaves in all counties having population of one hundred and fifty thousand and not exceeding five hundred thousand. The sum fixed for court criers in the court of common pleas, quarter sessions and oyer and terminer is nine hundred dollars (\$900), and in the orphans' court seven hundred and twenty dollars (\$720) per annum. The salary fixed for each tipstaff is six hundred dollars (\$600) per annum.

Since the year 1834, the judges of the several courts of this Commonwealth have had the power to appoint a court crier and as many tipstaves or constables as may be necessary to attend upon the court, and these officers are paid by the county such sums for each day's attendance as the said judges shall allow. Under existing law the court criers and tipstaves are paid a per diem compensation for work actually performed, but under the proposed bill the two officers are created with annual salaries attached, and the amounts of such salaries named in the bill were evidently fixed upon the assumption that the entire time of these officers would be occupied with their duties in court. It is a matter of common knowledge that such cannot be the fact in counties having a population of one hundred and fifty thousand and not exceeding five hundred thousand population. But even if it were true that there was constant employment for these officers in the counties embraced within the provisions of the bill, the courts have full power to fix fair compensation for the services rendered, and the county is obliged to pay the sum so fixed. The law-making power cannot know, so well as the judges in whose presence these officers perform their labors, what would consti-

tute fair compensation, and I am of the opinion that the bill under consideration is not an improvement upon existing law.

Moreover, it is exceedingly doubtful whether the classification of counties fixed by this bill, and limiting its operation to those having a population of one hundred and fifty thousand and not exceeding five hundred thousand, is constitutional. This classification is purely arbitrary. It is not found in the Constitution or in any act of Assembly, so far as I am aware, for any purpose whatsoever. No public necessity would seem to justify such a classification. No reason can be given why counties having a population of five hundred thousand should pay salaries to their court criers and tipstaves and those having one million or more should be subject to a different rule.

DANIEL H. HASTINGS.

Veto of "An Act to Regulate Travel Upon the Highways, Streets and Roads of the Commonwealth of Pennsylvania."

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., July 14, 1897.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 415, entitled "An act to regulate travel upon the highways, streets and roads of the Commonwealth of Pennsylvania."

The phraseology of this bill renders it exceedingly difficult to understand what it means. It provides that all persons using the highways shall, whenever another vehicle is in sight, turn to the right side of the high-

way in passing, except when the right side is obstructed, "or when it is dangerous or impossible to turn out at the left side." This language would seem to direct the traveller to turn to the right in passing a vehicle moving in the opposite direction, unless the right side is obstructed, but he is to do this, according to the following clause, only "when it is dangerous or impossible to turn out at the left side." All this is meaningless and therefore useless. There is no room to give it meaning by interpretation and I therefore withhold my approval.

DANIEL H. HASTINGS.

Veto of "An Act Repealing part of 'An Act Relative to the Expense of Maintaining Children Committed to the House of Refuge of Western Pennsylvania from the County of Lawrence.'"

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., July 14, 1897.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, Senate bill No. 236, entitled "An act repealing part of section one of an act, entitled 'An act relative to the expense of maintaining children committed to the House of Refuge of Western Pennsylvania from the county of Lawrence,' approved the seventeenth day of April, Anno Domini, one thousand eight hundred and sixty-nine."

This bill is intended to repeal a part of a special act of Assembly relating to the county of Lawrence, and I am of the opinion that, for that reason, it is special legislation forbidden by section 7, article 3 of the Con-

stitution, which provides, amongst other things that "The General Assembly shall not pass any local or special law * * * regulating the affairs of counties, cities, townships," &c. The bill being local in character, applicable only to the county of Lawrence, I can see no difference in principle between amending a special Act of Assembly by repealing a part and amending it by adding thereto, which latter is expressly forbidden by the fundamental law.

DANIEL H. HASTINGS.

Veto of "An Act to Regulate the Proceedings for the Incorporation of a Borough when the Territory to be Included in the Proposed Borough is situate in Two or More Counties."

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., July 14, 1897.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, Senate bill No. 301, entitled "An act to regulate the proceedings for the incorporation of a borough, when the territory to be included in the proposed borough is situate in two or more counties."

This bill provides "that, upon the petition of a majority of the taxable inhabitants of any described territory, embracing any town or towns, village or villages, borough or boroughs, or any or all of them, situate in two or more counties in this Commonwealth, to the courts of quarter sessions of the peace of each of the counties in which said described territory may be situate, expressing a desire to have said territory incorporated into a borough, it shall be the duty of each of

the said courts to appoint one commissioner who, when appointed, shall select another person, who shall be a surveyor, to view the territory sought to be so erected into a borough or consolidated into a single borough, and the said commissioners are hereby authorized and empowered to hold an election for the purpose of ascertaining and determining whether a majority of the qualified electors residing within the limits of the proposed borough desire.

“First, The incorporation thereof;

“Second, To which of the respective counties the borough shall be annexed, in case it be finally determined to incorporate the same.”

This bill is objectionable for several reasons. Two villages divided by a county line may become incorporated into a borough and by vote determine to which county or borough, so erected, they shall be annexed, and thus form a new line for both counties. One of the counties may be largely in debt and the adjoining county free from debt. All the property in the village or borough (in case of the consolidation of two boroughs) would be relieved, under the terms of this bill, by a vote of the inhabitants, if they saw fit, from liability to pay any part of such indebtedness. Furthermore, both villages, voting to be incorporated as a borough, would by such vote relieve themselves and their property from all liability to pay the debts of the township or the school district of which they lately formed a part. In most cases, where the populous part of a township constituting a village should conclude to join its neighbor across the county line and form a borough, the township from which it was taken would not only be left to pay the debts of the township and the school district, but would, at the same time, be deprived of a large portion of its taxable property, and with it would probably be taken the school buildings, to the erection of which they had contributed.

The remnant of the township would be left to pay the debt, and the property, for which the debt was created, would be taken from them. There is no provision in this bill for an equitable adjustment, or any adjustment indeed, of the indebtedness of either county, township or school district between the sections. If the bill should be come a law, these defects would render its enforcement exceedingly doubtful, but if enforced, would be so unjust and inequitable that I am constrained to withhold my approval.

DANIEL H. HASTINGS.

Veto of "An Act Authorizing the Burgess and Town Council of Each of the Several Boroughs Throughout this Commonwealth to Levy a Tax for the Purpose of Purchasing Erecting and Maintaining Fire Plugs and Hydrants for the Purpose of Supplying the Said Boroughs with Sufficient Supply of Water for the Extinguishment of Fires and Other Public Purposes and for the Purpose of Properly Lighting and Illuminating the Streets, Lanes and Alleys and Other Public Places in Said Boroughs, and for the Purpose of Purchasing Hose and Other Appliances for the Extinguishment of Fires in Said Boroughs."

Commonwealth of Pennsylvania,

• Executive Department,

Harrisburg, Pa., July 14, 1897.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, Senate bill No. 379, entitled "An act authorizing the burgess and town council of each of the several boroughs throughout this Commonwealth to levy a tax for the purpose of purchasing, erecting and main

taining fire plugs and hydrants for the purpose of supplying the said boroughs with sufficient supply of water for the extinguishment of fires and other public purposes, and for the purpose of properly lighting and illuminating the streets, lanes and alleys and other public places in said boroughs, and for the purpose of purchasing hose and other appliances for the extinguishment of fires in said boroughs."

The first section of this bill provides that the burgess and town council of the several boroughs throughout the Commonwealth shall be authorized and empowered to levy and collect an annual tax upon the assessed valuation of the property in each of the said boroughs, in addition to the tax which they are already authorized by law to levy, and collect a special or additional tax not exceeding eight mills on each dollar of such assessed valuation.

Section two provides that the money so raised and collected shall be used exclusively for the purpose of purchasing, erecting and maintaining fire plugs and hydrants for the purpose of supplying the boroughs with sufficient supply of water for the extinguishment of fire and other public purposes, and for the purpose of properly lighting and illuminating the streets, lanes and alleys and other public places in said boroughs, and for the purpose of purchasing hose and other appliances for fire purposes. To this section is added a proviso that the taxes levied under this act, together with the taxes levied for borough purposes, shall not in the aggregate exceed ten mills on each dollar of said assessed valuation in any one year.

Under the act of 3d of April, 1851, providing for the incorporation and regulation of boroughs, these municipalities are expressly clothed with the power "to light the streets, to provide a supply of water for the use of the inhabitants, to make all needful provisions for the protection of the pipes, lamps, reservoirs and other

constructions or apparatus, and to prevent the waste of water so supplied." By the same act boroughs are empowered to levy and collect annually, for borough purposes, a tax of five mills on the dollar of the assessed valuation of the property in said boroughs, and by act of Assembly, approved the sixteenth of April, 1875, the burgess and town council of each of the several boroughs throughout the Commonwealth are authorized and empowered to levy and collect in each year a tax upon the assessed valuation of each of the said several boroughs, in addition to the tax which they were already authorized by law to levy, and collect a tax not exceeding eight mills on the dollar of such assessed valuation. By act of Assembly of sixteenth of June, 1891, the moneys raised by the last mentioned tax are required to be used "for the purpose of purchasing, erecting, contracting for and maintaining such fire plugs or hydrants, gas, kerosene or electric lamps and hose for fire engines as may be required to supply the said boroughs with sufficient supply of water for the extinguishment of fire, cleansing the streets and other public purposes, and with gas, kerosene oil, electric light or other illuminant for the purpose of properly lighting the streets, lanes, alleys, and other public places in said boroughs, of paying for said gas, water and hose for fire engines, and defraying the expenses in making all necessary attachments to gas and water mains in said boroughs, together with all the necessary expenses in securing a full, sufficient and abundant supply of gas, water and hose for fire engines and throughout the said boroughs for said purposes, subject to all the further provisions of said act."

In view of the laws now upon the statute books it seems clear that the proposed legislation is wholly unnecessary. But this bill is subject to the further objection that, instead of enlarging the powers of boroughs in the matter of the supply of water and light,

it, in fact, puts a limitation upon them by the proviso in the second section, "that the taxes levied under this act, together with taxes levied for borough purposes, shall not in the aggregate exceed ten mills on each dollar of such assessed valuation in any one year. Under the act of 1851 five mills may be levied for these purposes, and under the act of 1875, above cited, an additional eight mills may be levied for like purposes, making in the aggregate thirteen mills upon the dollar of the assessed valuation of the property in boroughs. Should this bill be permitted to become a law, ten mills only would be levied and collected for the purposes mentioned.

DANIEL H. HASTINGS.

Veto of "An Act for the Relief and Employment of the Poor Within the Several Counties of this Commonwealth."

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., July 19, 1897.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 24, entitled "An act for the relief and employment of the poor within the several counties of this Commonwealth."

This bill provides that each county shall constitute a separate poor district, and at the next general election the qualified voters of each county are required to elect three directors of the poor for such district, one to serve one year, one to serve two years, and one to serve three years, and annually thereafter one to serve three years from the first day of January next

after their election and until their successors shall be duly qualified. The bill provides further that the directors so elected shall meet and organize on the first Monday of January of each year and proceed to choose a clerk, fix his salary and make an estimate of the probable cost and expenses of providing necessary accommodations, relief and employment of the poor of the county for the ensuing year.

By section 6 of the act, it is provided that "When the directors of any county shall by resolution determine that it is necessary to purchase land for the purpose of carrying this act into execution, they shall certify such resolution to the clerk of the court of quarter sessions of the peace of the county, who shall make a record thereof, and thereupon the president judge of said county, if he be a resident of the county, and, if not, then a resident judge thereof be assigned by the president judge, and the directors shall constitute a board for the purpose of purchasing such land. * * *

The said board, or a majority thereof, shall proceed forthwith to select and purchase, upon the credit of the county, such land or lands, with improvements, if any, and appurtenances, as they may deem necessary and sufficient for the relief and employment of the poor of the county, and shall take a conveyance or conveyances therefor in the name of the directors of the poor of the county, their successors and assigns. The said board shall certify their proceedings, and the conditions of purchase upon which they may have agreed, under their hands and seals, to the clerk of the quarter sessions of the peace, to be filed and entered as a part of the proceedings; and the said clerk shall thereupon deliver to the clerk of the county commissioners a certified transcript of such proceedings. The purchase money, in accordance with the conditions of such purchase, shall be paid or secured by the county commissioners." After the purchase of the land and the com-

pletion of the buildings, the directors are required to give notice to the overseers or directors in charge of the poor in the several districts to bring the poor of their respective districts to the said poorhouse, and thenceforward such poor shall be maintained by the county. The bill provides with great particularity as to the settlements and removals of the poor, and the provisions in this regard are generally unobjectionable.

The bill provides further that the provisions of sections two to fifteen, inclusive, shall not apply to any poor district until after certain conditions have been complied with.

First, in all poor districts co-extensive with their respective counties, governed and managed by directors of the poor, elected as such, when such directors adopt a resolution to accept of the provisions contained in said sections and said resolution shall have been approved by a grand jury of the county and the president judge.

Second, in all those counties where the county commissioners are ex-officio directors of the poor, and as such have entire control and management of the relief and maintenance of the poor in such district, the said sections shall be operative when the same shall have been recommended by two grand juries of the county and the president judge of the district.

Third, in all counties where the poor districts are not co-extensive with the county, or where said poor districts are managed and controlled, in whole or in part, by overseers of the poor, said sections shall become operative only when the overseers and voters of any such county shall have recommended by petition and votes as follows: that is, at any time when a petition and recommendation of one-half of the overseers of the poor of said county, the court of quarter sessions of the peace of such county shall submit the question of coming under the provisions of said sec-

tions to the votes of the qualified electors of such county. By a subsequent provision of the act the provisions of sections 16 to 36, inclusive, shall apply to all the poor districts of the State.

While it is true that the limitation upon the powers of the Legislature as to local or special legislation do not extend to the regulation of the affairs of poor districts, the cumbersome methods provided for making the act effective in the various counties of the State may be open to criticism; but, as there is one objection to the bill under consideration which would control my judgment, I will discuss no other.

The bill gives power to the three directors and the president judge constituting the board, when the three directors shall by resolution determine that it is necessary to purchase land for the purpose of carrying the act into execution, to select and purchase, upon the credit of the county, such land or lands, with improvements if any, as they may see fit and at such prices as they may choose to pay, and gives the directors alone full power to erect, enlarge, rebuild or alter the plan of any building without any limitation or restriction of such power. The act further provides that the county commissioners are authorized and empowered to borrow money for the purpose of paying the debt so created by the directors of the poor and issue bonds therefor. This is a radical departure from the system always in vogue in this State regarding the purchase of land and the erection of buildings for public purposes.

By act of 15th of April, 1834, which is still the law, the county commissioners of any county could purchase land and erect a court house or jail and work-house only after having first obtained the approbation of two successive grand juries and of the court of quarter sessions of such county; and by the same act such buildings can be altered and enlarged only after

the approbation of the grand jury and the court of quarter sessions of the county.

By act of 17th April, 1866, the county commissioners were authorized in all cases where a poor house or houses, then or thereafter erected under any law of the Commonwealth, were found to be insufficient for the purpose of comfortably sheltering and maintaining the poor, sick or insane of the proper county, to erect new or additional buildings for such purposes or for hospitals, but before erecting any such new or additional buildings the construction thereof was required to be recommended by the directors of the poor, a grand jury, and the court of quarter sessions of the proper county.

By act of the General Assembly, approved April 9, 1868, the county commissioners, before issuing any bonds to borrow money for the erection and repair of public buildings, even though such erection and repair had been authorized by two successive grand juries and approved by the court, could make such loan only by presenting a statement of the financial condition of the county to the court of quarter sessions and secure the approval of such court for such loan.

These, in my opinion, are wise and proper safeguards of the public treasury and the rights of the taxpayer. The proposed bill vests the absolute power in the three directors of the poor to incur any amount of debt without recommendation by either a grand jury or the vote of the people, and it requires the county commissioners, without having any discretion in the premises, to issue such bonds of the county as may be necessary to raise the money to pay the debt so contracted.

Furthermore, as the county commissioners, by whom, under the law, the corporate powers of the county are managed, have no voice in fixing the amount of the indebtedness to be incurred nor the time of payment out of the county treasury, it would seem that a

conflict of authority over the public funds would be inevitable. The county commissioners, in many cases, might find it necessary to erect public buildings and provide the necessary funds therefor by loan or otherwise, and at the same time the board of poor directors might be contracting debts to such an amount, and, without the knowledge of the commissioners, increase the indebtedness of the county to such an amount, as would make the commissioners powerless, by reason of the constitutional limitation upon the amount of the debt of the county, to create loans for the purpose intended. I deem the legislation unwise and unsafe, and I, therefore, withhold my approval.

DANIEL H. HASTINGS.

Veto of "An Act Granting to the City of Erie in the County of Erie, Pennsylvania, by the Commonwealth of Pennsylvania, all the Right, Title and Interest now Held by the Commonwealth in and to a Certain Tract of Land Lying to the Northward and Enclosing the Bay of Presque Isle, for Public Park and Pleasure Resort Purposes, and Providing for the Assent of the Government of the United States Thereto."

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., July 19, 1897.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 300, entitled "An act granting to the city of Erie, in the county of Erie, Pennsylvania, by the Commonwealth of Pennsylvania, all the right, title and interest now held by the Com-

monwealth in and to a certain tract of land lying to the northward and enclosing the Bay of Presque Isle, for public park and pleasure resort purposes, and providing for the assent of the government of the United States thereto."

This bill proposes to grant to the city of Erie all the right, title and interest now held by the Commonwealth, in and to a certain tract of land lying to the northward and enclosing the Bay of Presque Isle, known as "The Peninsula," for the purpose of a public park and pleasure resort. This body of land contains upwards of two thousand acres, some three or four miles in length and of varying width. By letters patent of the United States it was conveyed to the Commonwealth of Pennsylvania March 3, 1792, being included in what is known as the "Triangle." The same land was deeded in January, 1789, to the Commonwealth by certain Indian chiefs, warriors and others representing certain tribes of the six nations, to wit: the Ondawagas, Senecas, Cayugas, Susquehanna, Onandagas and Oneidas.

By act of Assembly passed April 3, 1792, what was known as "Presque Isle" or the "Peninsula" was reserved for the use of the Commonwealth. By act approved April 2, 1868, the tract of land called the "Peninsula" was made subject to the supervision and control of the city of Erie, but without power to sell or convey or to cut any live timber or underbrush, or to authorize the same to be done, or to authorize any act that may have a tendency to affect injuriously the stability of the peninsula," the object and intent being that the said peninsula shall forever remain in its present condition so far as may be necessary for its preservation and that of the harbor of Erie depending thereon; and the authorities of said city may exercise such supervision and control of the same, by leasing or otherwise, as shall not conflict with the foregoing pro-

hibitions; and all moneys received from leases or otherwise from said peninsula shall be applied to the support of the Marine Hospital of Pennsylvania at Erie, provided that the Commonwealth hereby reserves the right at any time hereafter to annul the privileges hereby granted and to resume the absolute control of said peninsula for military or other public purposes in like manner as if this act had not been passed."

In 1869 an act of Assembly was passed giving the supervision and control of the peninsula to the directors of the Marine Hospital of Pennsylvania, and every contract or agreement, by lease or otherwise, heretofore granted or assumed to be granted, by the councils of Erie, calculated to deprive or diminish the receipt of revenue from said peninsula, is annulled and made void.

On October 18, 1869, pursuant to the last named act of Assembly, the Commonwealth issued a patent to the Marine Hospital of Pennsylvania at Erie, for the land known as the "Peninsula," for the purpose specified in the aforesaid act of Assembly, approved the fourth day of February, 1869.

By an act of Assembly approved May 11, 1871, the sum of thirty thousand dollars was appropriated to the Marine Hospital at Erie, on condition that the hospital corporation reconvey to the State of Pennsylvania, by good and sufficient deeds, to be approved by the Attorney General, all lands in any way granted to said Marine Hospital, and on the further condition that the said Marine Hospital corporation shall convey to the United States of America all title it may have to the peninsula of Presque Isle, obtained from the State of Pennsylvania by act of February 4, 1869, to be held by the United States, as near as may be, in its present condition, and only for the purpose of national defense and for the protection of the harbor of Erie, but in all other respects to be subject to the civil and criminal

jurisdiction of the State of Pennsylvania "and the consent of the State of Pennsylvania is hereby given to such transfer of the title only for the purposes and under the limitation hereinbefore mentioned."

On the 25th of May, 1871, the Marine Hospital conveyed the property to the United States of America, subject to the conditions named in the act of Assembly authorizing the grant.

On the 27th of May, 1872, an act of Congress was approved, entitled "An act to authorize the Secretary of War to accept the peninsula opposite the harbor of Erie, in the State of Pennsylvania." The act authorized the acceptance with the proviso that "the deed conveying the same is complete and indeceasible and the acceptance shall be recommended by a board of officers of the corps of engineers appointed by the President."

In the Forty-ninth Congress, by a clause in the appropriation bill, \$37,500 was appropriated by Congress for "improving the harbor of Erie, Pennsylvania, continuing the improvement of said harbor as recommended by the Chief of Engineers January 13, 1885." This appropriation bill contained the proviso that "the Secretary of War be authorized and directed to receive and accept for the United States the title of the Peninsula of Presque Isle at Erie, as tendered by the Marine Hospital, agreeably to the provisions of the act of the Legislature of Pennsylvania, approved May 11, 1871, and provided further that \$22,500 of said sum shall not be expended until the aforesaid title shall be accepted by the Secretary of War."

While this bill was pending before the General Assembly Hon. Russell A. Alger, Secretary of War, addressed me a communication, under date of April 14, 1897, in which he says, amongst other things:

"Under date of December 14, 1886, the Secretary of War accepted the title to said peninsula by directing

that the same be entered upon and taken possession of in behalf of the United States, and under this authority the land was entered upon and taken possession of in behalf of the United States on January 27, 1887."

The action so taken by the Honorable Secretary of War followed immediately the approval of the act of Congress making the appropriation above referred to. The Honorable Secretary of War, in his communication, further says:

"In a report dated March 25, 1897, Major Thomas W. Symons, the United States engineer officer at Buffalo, New York, calls attention to an effort of certain parties purporting to act in the interest of the city of Erie to obtain some claim upon said peninsula, and he enclosed with his report a copy of a bill which had been introduced in the General Assembly for this purpose. In his report Major Symons says:

" 'It has, I think, always been the belief of engineers, as it is my belief, that the preservation of this peninsula with the timber growth thereon is in the highest degree important for the preservation of Erie harbor, and it seems to be desirable that it should remain entirely under the control of the General Government, which has assumed the responsibility of preserving this harbor,' "

From the above and foregoing recitals it appears to have been clearly the intent of this Commonwealth to grant, and of the government of the United States to accept, complete ownership of the land known as the "Peninsula," and that the representatives of both the Commonwealth and of the United States believe such control necessary for the proper protection of the harbor of Erie and for purposes of defense. Upon the sole question of policy, therefore, I have grave doubts whether the bill under consideration should receive my approval.

It is, however, clearly unconstitutional. The title of

the act is "An act granting to the city of Erie * * * all the right, title and interest, now held by the Commonwealth, in and to a certain tract of land lying to the northward and enclosing the Bay of Presque Isle for public park and pleasure resort purposes, and providing for the assent of the government of the United States thereto," while in the body of the act is found, not only the grant referred to in the title, but also "the right and use of an electric railway to convey passengers to and from said peninsula." It therefore contains two subjects. The grant is one thing and the "right of use of an electric railway to convey passengers" is quite another thing and in no way incidental or necessary to the grant of the land. It clearly is in conflict with section 3, article III, of the Constitution, which provides that "No bills, except general appropriation bills, shall be passed containing more than one subject, which shall be clearly expressed in its title."

DANIEL H. HASTINGS.

Veto of "An Act to Amend 'An Act to Enable Borough Councils to Establish Boards of Health,' so as to Allow Councils of Boroughs Containing not More than Ten Thousand Inhabitants to Combine Certain Compatible Offices."

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., July 19, 1897.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 436, entitled "An act to amend section three of an act, entitled 'An act to enable borough

councils to establish boards of health,' approved May eleventh, one thousand eight hundred and ninety-three, so as to allow councils of boroughs containing not more than ten thousand inhabitants to combine **certain compatible offices."**

The act of 1893, which it is sought to amend, applied to all the boroughs of the Commonwealth. The bill under consideration seeks to amend legislation relating to all boroughs as to authorize councils to combine the office of health officer and that of secretary to the board of health with any other compatible elective borough office they may deem proper in all boroughs having a population of ten thousand people or less.

This I believe to be such local or special legislation as is forbidden by section 7, article III of the Constitution, which provides that "The General Assembly shall not pass any local or special law * * * regulating the affairs of counties, cities, townships, wards, boroughs or school districts." Should this bill become a law, all the boroughs in the Commonwealth having a population in excess of ten thousand would be governed by the act of 1893, and all those having a population of ten thousand or less would be subject to different regulations and clothed with different powers from those having a greater population. This, I think, is forbidden by the section of the Constitution above referred to.

DANIEL H. HASTINGS.

Veto of "An Act for the Protection of Persons Alleged to be Lunatics, and Providing for a Speedy Hearing, and for a Trial in all Such Cases, and for the Discharge of Such Persons in Certain Cases."

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., July 19, 1897.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, Senate bill No. 526, entitled "An act for the protection of persons alleged to be lunatics, and providing for a speedy hearing and for a trial in all such cases, and for the discharge of such persons in certain cases."

This bill provides that all persons now confined as lunatics, or who may hereafter be restrained upon the allegation of lunacy or insanity, without the finding of a jury, shall on petition of themselves or their attorney or next friend, be entitled to a speedy hearing before any judge of any court of this Commonwealth sitting in the county where said person is confined or restrained. It is then made the duty of the judge, to whom said petition shall be presented, to order that the petitioner be forthwith brought before him, and it is then made his duty to hear the petition and the return to said order. If on such hearing the judge be clearly satisfied that the safety of the petitioner or of other persons would be jeopardized by the discharge of the petitioner, he shall remand the petitioner, otherwise, he shall discharge him.

Should this bill become a law it would be the duty of any judge, before whom an alleged lunatic had been brought on his own petition, setting forth that neither the community nor himself would be in danger if he were discharged from custody, to give such petitioner his liberty. A law of this kind would permit all per-

sons suffering from insanity to regain their liberty, if the judge could be made to believe that neither the community nor the lunatic would be in physical danger if such lunatic were permitted his freedom. Our insane asylums and hospitals have been erected and are being maintained, not for purposes of confinement alone, but for the cure and restoration to reason of persons suffering from insanity, whether such persons are dangerous or not to the community in which they live. One of the objects of confinement in insane asylums, to wit: the cure of the insane, would be defeated, at least in those cases where the lunatic might not be dangerous, should this bill receive my approval, and such approval is therefore withheld.

DANIEL H. HASTINGS.

Veto of "An Act in Relation to Official Newspaper
Advertising of Cities of the Second Class."

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., July 19, 1897.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 11, entitled "An act in relation to official newspaper advertising of cities of the second class."

This bill provides that all official advertising in cities of the second class shall be printed in four newspapers, two of which shall be printed in the morning and two in the evening, and one of which newspapers may be printed in the German language, after the expiration of present contracts; and every three years thereafter the mayor of each of such cities shall contract for the term of three years with the same number of daily

newspapers, such contracts to be let to the lowest bidder, agate measure, per line, for each thousand of circulation.

By act of Assembly approved June 11, 1887, the mayor of a city of the second class was authorized to contract with three newspapers, one of which may be published in the German language, for such term as may be provided by ordinance of councils, for the publication of all ordinances, &c., such contract to be let to the lowest bidder, agate measure, per line, for each thousand of circulation.

By act approved May 21, 1895, all official advertising in cities of the second class was required to be published in four daily newspapers printed in the English language, two of which shall be published in the morning and two in the afternoon, and one daily newspaper printed in the German language.

By act approved July 2, 1895, it is enacted that all notices required to be published by authority of law in cities of the first and second classes should, in addition to the publication thereof in any newspaper of general circulation printed in the English language, be published in a daily newspaper printed in the German language.

The matter of legislation controlling newspaper advertising for political purposes, both State and municipal, comes up in various forms at every session of the General Assembly. Bills for that purpose are introduced and often passed, not in the interest of the public, but for the purpose of benefiting some particular newspaper or newspapers and the defeat of others who desire to be beneficiaries of this class patronage. If the Legislature and the Executive have in the past erred in the passage and approval of bills of this character, no reason is thereby furnished for continuing the evil. This kind of legislation should be discouraged, and for

that reason, more than any other, I withhold my approval of this bill.

DANIEL H. HASTINGS.

Veto of "An Act to Make County, City, Borough and School Taxes a Lien on Real Estate, and to Provide that Such Lien Shall be Divested by a Judicial Sale of Real Estate Where the Amount of the Purchase Money Shall be Sufficient to Pay the Costs of Such Sale and the Said Taxes, and Imposing Duties Upon Tax Collectors, County Commissioners, Sheriffs and Other Persons in the Collection of Said Taxes."

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., July 20, 1897.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 582, entitled "An act to make county, city, borough and school taxes a lien on real estate and to provide that such lien shall be divested by a judicial sale of real estate, where the amount of the purchase money shall be sufficient to pay the costs of such sale, and the said taxes, and imposing duties upon the collectors, county commissioners, sheriffs and other persons in the collection of said taxes."

By the title of this bill it appears to have been the intent of the General Assembly to make "county, city, borough and school taxes a lien on real estate," but in the first section of the bill "all county, city, borough, township and school taxes" are made a lien upon the real estate, against which they are assessed, for a period of two years without requiring the same to be

entered of record in the prothonotary's office of the proper county until after the expiration of that period.

Inasmuch as the body of the act makes all township taxes a lien and the title excludes such taxes from the enumeration, the bill is in conflict with section 3, article III of the Constitution, requiring that the subject of legislation shall be clearly expressed in the title of **a bill**.

But if the bill were free from this difficulty, it would have the effect, should it become a law, of creating a statutory lien upon real estate for a period of two years, with no record whatever to give notice to the public of the amount of the taxes or whether they were paid or unpaid. It would be very difficult, if not entirely impracticable, in most of the counties of the State, to determine the unpaid taxes in any given instance. To impose upon parties interested the duty of finding the proper official who would give the information would be an intolerable burden in all districts outside the larger cities. A bill similar to the one now under consideration was passed by the General Assembly at its session of 1895, to which there was no constitutional objection, but I withheld my approval for the reasons now stated.

DANIEL H. HASTINGS.

Veto of "An Act to Tax all Orders, Checks, Dividers, Coupons, Pass Books or Other Paper Representing Wages or Earnings of an Employe, not Paid in Cash to the Employe or Member of His Family, and Providing a Penalty for the Failure to Report to the Auditor General."

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., July 20, 1897.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House Bill No. 568, entitled "An act to tax all orders, checks, dividers, coupons, pass books or other paper representing wages or earnings of any employe not paid in cash to the employe or member of his family and providing a penalty for the failure to report to the Auditor General."

This bill imposes a tax of ten per centum upon the face value of all "orders, checks, dividers, coupons, pass books or other paper representing the amount in part or whole of the wages or earnings of any employe that were given, made or issued," by the employer for the payment of labor and not redeemed in lawful money of the United States within thirty days from the giving, making or issuing thereof. This tax is confined to the issuing of such evidences of indebtedness by employers who are engaged in any or all of the twenty-eight different kinds of business enumerated in the bill. The bill also provides that employers who are engaged in the said twenty-eight different lines of business shall annually, upon the first day of November, make a report, verified by oath or affirmation, to the Auditor General, of the number and amount of all such orders, checks, dividers, coupons, pass books or other paper representing the amount of wages earned by the employes which were not paid in cash and upon

such sum shall pay into the Treasury of the Commonwealth ten per centum of the face value thereof, and adds a penalty of twenty-five per centum, in addition to the ten per centum tax imposed, if there be neglect or refusal to make such report on or before the first day of December of each year. The bill further provides that if payment be made in checks, the checks must be drawn upon chartered banks as distinguished from private banking institutions. An additional provision requires that payment shall be made direct to the employee or to a member of his family.

This bill, should it receive Executive approval, would be in direct contravention of section 1 of article IX of the Constitution, which provides that "all taxes shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax." The territorial limits of the authority levying this tax embrace the limits of the State. The class of subjects here sought to be taxed are "orders, checks, dividers, coupons, pass books or other papers representing the amount of wages or earnings" of any employee given, made or issued for payment of labor and not redeemed in lawful money of the United States. If an order should be given by any person, firm, partnership, corporation or association engaged in any one of the twenty-eight different varieties of business there in enumerated, then that order, check, divider, coupon, pass book or other paper is to be taxed ten per centum, but if an order be given in payment of wages by any person, firm, partnership, corporation or association not engaged in any one of those several twenty eight kinds of business, then it is not to be taxed. For example, a master carpenter employing men in his line of business, contractors employing laborers, lumbermen, farmers, storekeepers and every other employer of labor, excepting the twenty eight kinds of employment enumerated in the bill, are not subject to its

payments not to any pecuniary character. A more glaring example of the lack of efficiency in the taxing of the same class of subjects can hardly be conceived.

Again, under the provisions of the act of March 3 of May, 1891, all orders, checks, coupons, etc., are thereby declared to be invalid and wages are required to be paid and meeting in lawful money of the United States. Failure to so pay renders the employer liable to prosecution for misdemeanor and upon conviction to pay a fine not exceeding two hundred dollars. The Federal Inspector is required to enforce the provisions of this act. The act of 1891 is not repealed either in terms or by implication by the act before me, if it should become a law, and it expressly declares that all assignments of wages and of contracts securing the employer from the obligation to pay in lawful money of the United States shall become invalid.

The act of June 3, 1891, also provides that any mining or manufacturing corporation shall not, through its officers, stockholders, or by any rule or regulation of its business, make any contract with the keepers or owners of any store whereby the employees of such corporation shall be obliged to trade with such keeper or owner, and that any such contract made in violation of the act shall be prima facie evidence of the fact that such store is under the control of such mining or manufacturing corporation and in violation of the act. It also provides for the forfeiture of the franchises of the corporation violating its provisions, and authorizes the Attorney-General to proceed by quo warranto against such corporation. Under these laws the issuing of any order, check, draft, coupon, pass book or other paper representing the payment, in part or in whole, of the wages or earnings of any laboring man is illegal.

The measure before me would put the State in the anomalous position of levying and collecting a tax upon orders, checks, drafts, promiss., etc., which by express legislative enactment are declared to be invalid and which are expressly forbidden to be issued in payment of wages.

The raising of manufacturing companies and having issue the different kinds of paper contemplated by the proposed act, except in violation of the law, and if these papers should be issued in violation of the law, can the State pass another law taxing them at the rate of ten per centum?

The framers of this bill evidently intended that it should relieve the laborer from the pernicious company store order system, which wherever it has prevailed under whatever disguise it is practiced has proved a curse; but this measure fails to meet the evil.

The owner of a company store also seeks to compel his employe to purchase any portion of his necessities in store goods by the issuance of store-orders, company or other devices, all of which are forbidden by law, could not be hindered in placing burdens upon him, this additional tax of ten per centum on the amount of such orders upon his employe. The laborer needs capital is his daily wage. The only resource he has other to secure credit is his character for honesty and industry and his monthly pay account. He is should be deprived of either of these, he is left without the means of supporting his family. This bill deprives him of the means of obtaining credit, either from his employer or from anybody else, and would make him in addition thereto pay the tax sought to be imposed by said measure. If the bill should become a law, he must either pay cash for his usual needs, clothing and other necessities of life, or go without them, or pay ten per centum above what any other man would have to pay in order to get credit for such necessities. If

he received a check upon a bank in payment of his wages and used that check for the payment of his debts, or sent it to a foreign country, so that it could not reach the bank for payment within thirty days from the date it was issued to him, a tax of ten per centum, under this bill, would be imposed, which eventually would come off the man who earned the money. If his employer should give him a check upon a private banking institution and it were paid in lawful money of the United States on presentation, the amount thereof would still be subject to the ten per centum tax.

If the purpose of the measure is to raise revenue for the State, it has selected the pinched wages of the laboring man from which to deprive a portion of its income. If the purpose be to make the several employers of labor described in the bill pay the tax, then the purpose is entirely mistaken, because in its practical operation the laboring man and not the company must eventually pay the tax.

DANIEL H. HASTINGS.

Veto of "An Act to Amend 'An Act to Restrain and Regulate the Sale of Vinous and Spirituous, Malt or Brewed Liquors or Any Admixture Thereof,' Regulating and Prescribing the Manner of Publication of the list of Applicants in Cities of the First Class, and Directing said Publication to be made in Three Newspapers, and Authorizing the Clerk of the Court of Quarter Sessions to Designate the Same, One of Which Shall be a Newspaper Printed in the German Language in Said Cities."

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., July 20, 1897.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 506, entitled "An act to amend the fourth section of an act, entitled 'An act to restrain and regulate the sale of vinous and spirituous, malt or brewed liquors or any admixture thereof,' approved the thirteenth day of May, Anno Domini one thousand eight hundred and eighty-seven, regulating and prescribing the manner of publication of the list of applicants in cities of the first class, and directing said publication to be made in three newspapers, and authorizing the clerk of the court of quarter sessions to designate the same, one of which shall be a newspaper printed in the German language in said cities."

The section proposed to be amended provides, amongst other things, "that the clerks of the court of quarter sessions in any city or county in the Commonwealth shall cause to be published three times in two newspapers designated by the court, a list containing the names of all applicants for license, together with their places of residence and the place for which application is made."

The first amendment proposed makes an exception

as to the city of Philadelphia and provides that the advertising there shall be in three newspapers instead of two and that one of the three shall be a paper printed in the German language. The second amendment proposes to take away from the court the power of designating the newspapers in which such advertisement shall be printed and authorizes the clerk of the court of quarter sessions to designate the newspapers in which the same shall be printed.

In my judgment, these proposed amendments are steps in the wrong direction. I have heretofore expressed in a message the opinion that all court proceedings and publications should be in the English language, and no good reason has appeared to make it necessary to take from the courts of Philadelphia the power to determine in what newspapers their official publications should be printed. The act of May 13, 1887, is general in character, applying alike to all the counties of the Commonwealth. The bill under consideration proposes to amend the general act by making a particular provision as to advertising apply to cities of the first class differently from that applied to all the other cities and counties in the Commonwealth. This is special legislation, forbidden, as I believe, by the fundamental law, and, therefore, an additional reason for the withholding of my approval.

DANIEL H. HASTINGS.

Veto of "An Act to Amend 'An Act to Restrain and Regulate the Sale of Vinous and Spirituous, Malt or Brewed Liquors, or any Admixture Thereof by Wholesale,' Regulating and Prescribing the Manner of Publication of the List of Applicants in Cities of the First Class, and Directing Said Publication to be Made in Three Newspapers, and Authorizing the Clerk of the Court of Quarter Sessions to Designate the Same, One of Which Shall be a Newspaper Printed in the German Language in Said Cities."

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., July 20, 1897.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 511, entitled "An act to amend the third section of an act, entitled 'An act to restrain and regulate the sale of vinous and spirituous, malt or brewed liquors or any admixture thereof by wholesale,' approved the ninth day of June, Anno Domini one thousand eight hundred and ninety one, regulating and prescribing the manner of publication of the list of applicants in cities of the first class, and directing said publication to be made in three newspapers, and authorizing the clerk of the court of quarter sessions to designate the same, one of which shall be a newspaper printed in the German language in said cities."

My approval of this measure is withheld for the reasons stated in my objections to House bill No. 506, entitled "An act to amend the fourth section of an act, entitled 'An act to restrain and regulate the sale of vinous and spirituous, malt or brewed liquors or any admixture thereof,' approved the thirteenth day of May, Anno Domini one thousand eight hundred and eighty-seven, regulating and prescribing the manner of publication of the list of applicants in cities of the first

class, and directing said publication to be made in three newspapers, and authorizing the clerk of the court of quarter sessions to designate the same, one of which shall be a newspaper printed in the German language in said cities."

DANIEL H. HASTINGS.

Veto of "An Act to Repeal Section Seven of 'An Act for the Registration of Births, Marriages and Deaths in the City of Philadelphia.'"

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., July 20, 1897.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 723, entitled "An act to repeal section seven of an act, entitled 'An act for the registration of births, marriages and deaths in the city of Philadelphia,' approved the eighth day of March, Anno Domini one thousand eight hundred and sixty."

The section proposed to be repealed is a part of the law providing for the systematic registration of births, marriages and deaths in the city of Philadelphia, under which a complete, authentic and valuable registration has been kept for the past thirty-seven years.

The section in question makes it the duty of every clergyman, magistrate and collector or keeper of the records of all religious and other societies and of every other person by or before whom any marriage is solemnized or contracted to make a faithful report of the same at the expiration of every three months to the health officer in the form of a certificate, which shall

set forth, so far as can be ascertained, the full name of the husband, his occupation, place of birth, residence, age, date of marriage, the full name of his wife previous to the marriage and her age, also the color of the parties and the place where and the name of the clergyman or other person by whom the marriage ceremony was performed.

If this bill were to receive Executive approval, it would so mutilate the law as to strike out all records of marriage, but still leave in force the laws relating to births and deaths in the city of Philadelphia. The purpose of such an innovation has not been revealed to me, but I am satisfied that it would be an unfortunate **step backwards**.

It is recognized throughout the civilized world that the registration of vital statistics is a proper function of boards of health and that the nature of their duties and studies is such as to qualify them for conducting this important work. The slight inconvenience to which clergymen, magistrates and others who perform marriage ceremonies may be put to in sending the required memoranda to the health officer is not in any sense to be weighed against the advantages which accrue to every community from a careful study by competent authority of the evolutions of civilization of which marriage is one factor. Such records are being constantly appealed to in the determination of legal controversies or for the establishment of identity and other facts relating to the parties affected.

In every enlightened community there necessarily live but few people of mature age, whose birth, marriage or death does not at some time become a matter for the cognizance and consideration of legal authorities. The attainment of majority, with its rights and duties, the fact and date of wedlock, the inheritance or conveyance of property, parentage and nationality, and many other questions of a sociological, econ-

omic, or even historical character often assume much importance with reference to many of our citizens.

The absence of a State system of registration has deprived many of our citizens of their legal rights and has given to their fellows the opportunity to deprive them of such rights. The history of the registration department of the health officers of both Philadelphia and Pittsburg shows that inquiries for important information supposed to be contained in their records are almost continual and afford sufficient evidence of the public value of such a system of registration. Instead of curtailing the provisions of the act thus sought to be crippled, I am of the opinion that it would be of untold value to the people of the State if its provisions could be, with suitable modifications, extended to every county in the Commonwealth.

Pennsylvania is behind almost every other of the Northern Atlantic states in the collection and recording of useful vital statistics.

DANIEL H. HASTINGS.

Veto of "An Act to Provide for Commitment and Treatment of Persons in Asylums Addicted to the Use of Cocaine, Morphine, and Other Stupefying Drugs."

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., July 20, 1897.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 437, entitled "An act to provide for commitment and treatment of persons in asylums addicted to the use of cocaine, morphine and other stupefying drugs."

This bill provides that it shall be lawful for any judge of a court of record in this Commonwealth to commit any person to any asylum having the proper facilities for treatment, for a term not exceeding two years, upon the certificate of two reputable physicians that such person is addicted to the use of cocaine, morphine or other stupefying or injurious drug, and that the disease is of a character which, in their opinion, requires that the person should be placed in a hospital or other establishment where persons are detained for care and treatment.

Should this bill become a law, a citizen may be deprived of his liberty without a hearing of any kind, without notice, and upon the mere certificate of two physicians not sworn. The Bill of Rights has guaranteed to every citizen that he shall not be deprived of "life, liberty or property unless by the judgment of his peers or the law of the land." Our Supreme Court has defined this phrase in a number of cases.

In *Fetter v. Wilt*, 46 P. S. 460, Mr. Justice Thompson, speaking for the court, used the following language:

"A man cannot be deprived of his property unless by the judgment of his peers or the law of the land. 'Judgment of his peers' is a term or expression borrowed from 'Magna Charta,' and it means a trial per pais, or by the country, which is a trial by jury. The words 'or of the law of the land' have the same origin, and are to the same effect as 'due process of law' in the Bill of Rights in the Constitution of the United States, and it means judgment of law in its regular course of administration through courts of justice."

The bill under consideration provides for a judgment depriving the citizen of his liberty without notice or hearing, and in my opinion, is clearly in violation of the rights of the citizen and might be used oppressively. I therefore withhold my approval.

DANIEL H. HASTINGS.

Veto of "An Act Providing the Means for the Enforcement by Cities of this Commonwealth of their Ordinances."

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., July 20, 1897.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 441, entitled "An act providing the means for the enforcement by cities of this Commonwealth of their ordinances."

The title to this bill is general in its terms and applicable to all the cities of the Commonwealth, but the body of the bill provides that "this act shall not apply to cities of the first class and cities of the second class." While the subject of the act is not clearly set forth in the title, and it is therefore objectionable on constitutional grounds, it is also subject to the further objection that it is entirely unnecessary, being almost an exact copy of clause 46, section 3, of the act of 23d May, 1889, providing for the government of cities of the third class, now on the statute books. It was evidently the intention of the person who drafted this bill to extend to cities of the first and second classes the law now in existence relating to the enforcement of ordinances in cities of the third class; but, by a proviso, which appears to have been an amendment, cities of the first and second classes were expressly excluded from its provisions.

DANIEL H. HASTINGS.

Veto of "An Act to Regulate the Construction of Buildings in Cities of the First Class."

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., July 21, 1897.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, Senate bill No. 341, entitled "An act to regulate the construction of buildings in cities of the first class."

The bill provides that "every building hereafter erected, which shall extend to a greater height than seventy feet above the sidewalk level, and every building hereafter erected or altered, to be used as a hotel, apartment, tenement or lodging house, containing more than fifty rooms above the first floor, and every public hospital, asylum or institution for the care or treatment of insane, weak minded or indigent persons, if more than two stories in height, shall be built of such incombustible and fire resisting materials as shall be approved by the bureau of building inspection. Every such building shall be provided with such means of ingress and egress as shall be approved by the bureau of building inspection, and the bureau of fire escapes of said cities, and where such means of ingress and egress are provided, such buildings may be exempted from the provisions of the act approved June eleventh, one thousand eight hundred and seventy-nine, entitled "An act to provide for the better security of life and limb in cases of fires in hotels and other buildings," and the several supplements and amendments thereto.

I am convinced that this bill is not in the interest of the protection of human life. It relieves the owners of extremely high buildings and buildings densely occupied, as well as buildings occupied by the sick, insane and helpless, from the erection of

fire escapes as now required by law. It is true that the bill requires such buildings to be built of "such incombustible and fire resisting materials as shall be approved by the bureau of building inspection," which bureau is also to decide whether the buildings are provided with proper means of ingress and egress. The existing safeguards under the fire escape laws upon our statute books will, in my judgment, prove more efficient in saving human lives than the provisions of the act under consideration, and I therefore withhold my approval.

DANIEL H. HASTINGS.

Veto of "An Act Supplementary to 'An Act to Regulate the Practice of Pharmacy and Sale of Poisons, and to Prevent Adulterations in drugs and Medicinal Preparations in the State of Pennsylvania,' Further Regulating the Practice of Pharmacy, the Compounding and Dispensing of Prescriptions, and the Sale of Drugs, Chemicals, Medicines and Poisons, and Providing a Penalty for the Violation Thereof."

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., July 21, 1897.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 303, entitled "An act supplementary to an act, entitled 'An act to regulate the practice of pharmacy and sale of poisons, and to prevent adulterations in drugs and medicinal preparations, in the State of Pennsylvania,' approved the twenty-fourth day of May, Anno Domini one thousand eight hundred

and eighty-seven, further regulating the practice of pharmacy, the compounding and dispensing of prescriptions, and the sale of drugs, chemicals, medicines and poisons, and providing a penalty for the violation thereof."

The act of Assembly referred to in the title provides, amongst other things, that "no person whomsoever shall open or carry on as manager in the State of Pennsylvania, any retail drug or chemical store nor engage in the business of compounding or dispensing medicines, or prescriptions of physicians, or of selling at retail any drugs, chemicals, poisons or medicines, without having obtained a certificate of competency and qualification so to do from the State Pharmaceutical Examining Board, and having been duly registered, as herein provided."

The act creates a board styled the "State Pharmaceutical Examining Board," consisting of five persons, who shall be appointed by the Governor from amongst the most skilful retail apothecaries actually engaged in said business in the State and who must have had ten years practical experience. The act further provides for an examination by the Board once every three months of all persons who shall desire to carry on the business of a retail apothecary or that of retailing drugs, chemicals or poisons, or of compounding physicians' prescriptions, touching their competency and qualifications. To such as are qualified certificates are given and books of registrations of such qualified persons are required to be kept. All persons not having obtained such certificate are forbidden to engage as manager in the business of an apothecary or pharmacist or of retailing drugs, chemicals and poisons, or of compounding and dispensing prescriptions of physicians, either directly or indirectly, and any person violating the act is declared to be guilty of a misdemeanor and on conviction before

any court is punishable by a fine not exceeding one hundred dollars or imprisonment in the county jail for a term not exceeding one year, either or both, at the discretion of the court.

In 1891 the Supreme Court was called upon to construe the act of 1887, in the case of *Commonwealth v. Johnson*, reported in 144 P. S., 377, and held that the manager of a drug store who takes no part in conducting the same himself, but employs a duly certified pharmacist for that purpose, is not subject to indictment under the act of 1887, for engaging as manager in the business of an apothecary or pharmacist without having first obtained the certificate of competency and qualification required by said act.

By act of Assembly approved 16th June, 1891, the act of 1887 was so amended as to make it lawful for the widow or legal representative of a deceased person, who was a manager and registered pharmacist, to carry on or continue the business of such deceased pharmacist, provided that the actual retailing, dispensing or compounding of medicines or poisons be done only by an assistant, qualified and registered as herein provided; and providing further that any person violating or failing to comply with the provisions of this act shall be guilty of a misdemeanor, and on conviction before any court, be punishable by a fine not exceeding one hundred dollars.

In 1896 the case of *Commonwealth v. Zacharias* arose under this act, reported in 3 Superior Courts, 264, wherein it was held that the act of May 24, 1887, as amended by the act of June 16, 1891, was unconstitutional because the act of 1891 permitted certain unqualified persons to engage in the retail drug business and excluded others, and was class legislation, reference being made to that provision of the act of 1891 permitting the widow or legal representative of a deceased manager and registered pharmacist to continue

the business of such deceased pharmacist. The Zacharias case was then taken to the Supreme Court and was decided April 26, 1897, affirming the court below. Discussing the act of 1891, Mr. Justice Williams, speaking for the court, uses the following language: "The obvious purpose of the statute is to protect the public by requiring of one who manages such a business an adequate knowledge of the powerful medicines he deals out to customers."

The bill under discussion goes much further than either the act of 1887 or the act of 1891. It provides that "hereafter no person whomsoever shall directly or indirectly open or carry on, in the State of Pennsylvania, any retail drug store or chemical store, or compound or dispense medicines or prescriptions of physicians, or engage in the business of selling at retail any drugs, chemicals, medicines or poisons without having obtained a certificate of competency so to do from the State Pharmaceutical Examining Board, and without having been duly registered by said Board."

The plain import of this language is that no person can be interested as owner or partner in the retail drug business without having first obtained a certificate of competency and qualification from the State Pharmaceutical Board and without having been duly registered by said Board. For any person to so engage in business is made a misdemeanor and, on conviction, punishable by a fine not exceeding one hundred dollars. Under existing law persons who are not qualified pharmacists may engage in the retail drug business provided their manager, or the person employed in the business of compounding or dispensing medicines or prescriptions of physicians has a certificate of competency and qualification from the State Pharmaceutical Board and is duly registered. Should this bill receive Executive approval it would absolutely prevent all persons who are not qualified pharmacists under the

law from engaging directly or indirectly in business as retail druggists.

Legislation of this character can be justified only by an exercise of the police power of the State. To require the compounding of prescriptions and the sale of poisons or dangerous drugs by competent persons certainly comes within this power, which has been duly exercised by the General Assembly in the passage of the acts of 1887 and 1891. To forbid the investment of capital in drugs and medicines, although the sale of the same to the public is duly protected, I believe to be beyond the power of the Legislature and an interference with the rights of the citizen. If it be true that this is not within the police power of the Legislature, then upon what ground can such legislation be justified? Is it not an interference with the legitimate property rights of the citizen? A duly registered and qualified pharmacist may have built up a large and lucrative business during a long and industrious life. If this bill were to become a law, he could not transmit the same to his family to continue the business unless they were qualified druggist, but his legal representatives would be obliged to sell the same, and in the market at such sale the bidders would necessarily be limited to qualified druggists. The stating of this proposition makes argument unnecessary to show its unfairness.

But again, the young man seeking to embark in the retail drug business, and being thoroughly qualified by education and experience, having passed the examination of the Pharmaceutical Board, and received his certificate, is forbidden to seek alliance with anyone not a qualified druggist who has capital to start him in trade, because all persons not being registered pharmacists are forbidden by this bill to engage in the retail drug business. Whilst I favor all measures for the protection of the people against incompetent practi-

tioners of pharmacy, I feel constrained to withhold my approval from this measure because I hold to the opinion that it places an unnecessary restraint upon trade.

DANIEL H. HASTINGS.

Veto of "An Act to Enable the County Commissioners of Any County Which Has Assisted Any Township or Townships Under Existing Laws in Building the Whole or Any Portion of a Bridge, but Has Not Entered the Same Upon Record as a County Bridge, to Assist in the Rebuilding the Whole or Any Portion of the Same When Destroyed by Casualty, or to Afterwards Enter Said Bridge Upon Record as a County Bridge."

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., July 21, 1897.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 430, entitled "An act to enable the county commissioners of any county which has assisted any township or townships, under existing laws, in building the whole or any portion of a bridge, but has not entered the same upon record as a county bridge, to assist in the rebuilding the whole or any portion of the same when destroyed by casualty, or to afterwards enter said bridge upon record as a county bridge."

I withhold my approval from this bill for the reason that the proposed legislation is unnecessary. By act of Assembly approved 25th May, 1887, full authority is given to the county commissioners to assist townships in building bridges, where it appears by

the report of viewers approved by the court and grand jury that the expense of erecting such bridge is greater than the township should bear. Under the act of 1887, county commissioners are authorized to build such bridge, either in whole or in part, or to furnish such township the whole or part of the money necessary to build it. Such power is given in almost precisely the same language as is found in section one of the bill under consideration. In all such cases the law provides that such bridges shall be maintained, kept in repair and rebuilt when necessary by the respective township or townships, and the county shall in no event be liable for the same.

By the second section of the act under consideration it is provided "that, whenever the county commissioners have heretofore assisted or shall hereafter assist, any township or townships in the building the whole or any portion of a bridge under existing laws, and it shall afterwards appear to the said commissioners and to the court of quarter sessions of the proper county that the care, maintenance and responsibility of said bridge is greater than it is reasonable that the said township or townships should bear, it shall be lawful for the said county commissioners, and they are hereby authorized and empowered, with the approval of said court, to enter such bridge upon record as a county bridge, and it shall thereafter be a county bridge the same as if it had originally been so entered of record."

This section of the act is as clearly unnecessary as the first section. By act of Assembly approved 13th June, 1836, it is provided that "when a river, creek or rivulet, over which it may be necessary to erect a bridge, crosses a public road or highway, and the erection of such bridge requires more expense than it is reasonable that one or two adjoining townships should bear, the court having jurisdiction aforesaid shall, on

the representation of the supervisors, or on the petition of any of the inhabitants of the respective townships, order a view in the manner provided for in the case of roads, and if, on the report of viewers, it shall appear to the court, grand jury and commissioners of the county that such bridge is necessary, and would be too expensive for such township or townships, it shall be entered of record as a county bridge."

DANIEL H. HASTINGS.

Veto of "An Act to Amend 'An Act to Establish a Department of Agriculture and to Define its Duties, and to Provide for its Proper Administration,' Providing for the Appointment of Local Managers of Farmers' Institutes in the Several Counties of this Commonwealth, and Further Defining the Duties of the Superintendent of Institutes."

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., July 21, 1897.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 324, entitled "An act to amend an act, entitled 'An act to establish a Department of Agriculture and to define its duties and to provide for its proper administration,' approved March thirteen, one thousand eight hundred and ninety-five, providing for the appointment of local managers of farmers' institutes in the several counties of this Commonwealth, and further defining the duties of the superintendent of institutes."

The section to be amended provides "That it shall be the duty of the Superintendent of Institutions to arrange there to send a number as to time and place of holding the same as to secure the greatest economy and efficiency of service, and so that and to hold in each county where such institutes are to be held confer and advise with the local members of the State Board of Agriculture, together with representatives duly elected by each county agricultural, horticultural and other like organizations with reference to the appointment of speakers and other local arrangements."

The proposed amendments provide:

1st. That the Superintendent of Institutions proceed of conferring and advising with the local members of the State Board of Agriculture for the time and necessary arrangements for holding the local institutes shall make his arrangements with the local members of farmers' institutes, who is to be elected in the manner provided by the law in question and who shall become a member of the State Board of Agriculture after the term of the present member of the Board shall have expired.

2d. That the amount of money appropriated for conducting farmers' institutes shall be distributed throughout the different counties of the State pro rata, according to the number of farms in each county.

3d. That not less than one-third of said appropriation shall go to the local manager of institute, to be paid him by the Secretary of Agriculture, to be applied in payment of necessary local expenses incurred in holding the local institute, said amount to be itemized and to be approved by the Secretary of Agriculture, and the remainder to be used by the Department of Agriculture in furnishing expert local evening lectures upon practical farming and such other topics as relate directly to the agricultural interests of the Commonwealth.

The first section of the act of 8th May, 1876, provides that the Governor of the Commonwealth, Secretary of Internal Affairs, Superintendent of Public Instruction, the Auditor General, the president of the Pennsylvania State College, and one person appointed from and by each agricultural society of the State, entitled by existing laws to receive an annual bounty from the county, and three other persons appointed by the Governor, with the consent of the Senate, shall constitute the State Board of Agriculture. The bill in question repeals this method of making up the State Board of Agriculture and provides a new plan for their selection, but there is no notice in the title of the bill of this proposed change. This in itself is fatal to the measure.

The amendment provides that the local manager of the farmers' institutes, who is to take the place of the retiring member of the State Board of Agriculture, shall be elected by county agricultural, horticultural and other like organizations which have been in existence at least one year previous to the passage of this act and comprising a membership of at least twenty persons, and having a constitution and by laws each one of which may elect one delegate, who shall represent said organizations in a convention of delegates, which shall be held in the court house of each county of the State on the first Monday in June, one thousand eight hundred and ninety seven, and every three years thereafter. The date fixed for the first convention of delegates is past, being set for the first Monday of June, 1897. No other convention could be held under the act before the first Monday of June in the year 1900.

If the purpose of the framers of the bill was to have it go into immediate effect, this has been defeated by their neglect to fix the date of the first meeting at a time subsequent to the passage of the act. Moreover,

there is nothing in the bill to define what shall constitute a county organization, thus leaving the door open for serious misunderstandings among local authorities in the same county, that would necessarily be difficult and often impossible to settle.

The second provision in the bill proposes to distribute the money appropriated for institute purposes by an arbitrary rule, awarding not less than one-third to the local managers and appropriating it according to the number of farms in each county. If one-third of the appropriation now granted by the Legislature for institute purposes would be so apportioned, it would be so entirely unfair to the small counties of the State as to prevent their receiving that benefit from institute instruction in agriculture to which they are justly entitled by reason of their location and necessities. For instance, Cameron county would receive but \$6.67, and Forest county \$9.67, and other small counties in like proportion.

The amendments proposed, in my judgment, are unnecessary. The law of 1895, establishing the Department of Agriculture, providing for the institute work, makes it the duty of the director of institutes to confer with the various agricultural organizations and allows him such discretion in the details as is essential to its development and success. This bill would unduly limit his action and embarrass the Department in such a way as to be extremely detrimental to its efficiency.

DANIEL H. HASTINGS.

Veto of "An Act Amending "An Act to Regulate and Establish the Fees to be Charged by Justices of the Peace, Aldermen, Magistrates and Constables in this Commonwealth,' Regulating and Establishing the Fees to be Charged by Constables in this Commonwealth."

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., July 21, 1897.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, Senate bill No. 140, entitled "An act amending section 2 of an act, entitled 'An act to regulate and establish the fees to be charged by justices of the peace, aldermen, magistrates and constables in this Commonwealth,' approved the twenty-third day of May, Anno Domini one thousand eight hundred and ninety-three, regulating and establishing the fees to be charged by constables in this Commonwealth."

This bill proposes to amend section 2 of the act of May 23d, 1893, which fixes the fees which the constables of the Commonwealth are entitled to receive for the performance of their official duties. Experience has shown the necessity from time to time of revising and adjusting the fees of constables and other officials, whose compensation is made up in whole or in part, of official fees, so as to adapt them to changes which may have been made in the procedure of the State, and also to accommodate them to new business conditions. In recognition of this necessity such revision was made by the act of 1868, and again in 1893, and the necessity will probably arise in the future. But no such revision should be made unless justified by obvious necessity. It is to the interest of suitors and others hav-

ing business relations with officials compensated by fees, that the schedule of such fees should be stable and permanent. Frequent changes lead to confusion and uncertainty, besides enabling dishonest officials more easily to extort fees to which they are not legally entitled. The section which the bill now under consideration proposes to amend presents the appearance of being a carefully considered measure, and regulates the fees to be charged by constables for all the services which they, in the discharge of their duties are called upon to perform. The act is too recent to require revision, and it would not be sound policy to readjust the schedule which it contains.

The bill now under consideration makes no changes in the present fee bill, except those which are in the nature of an increase. The increases thus proposed are both numerous and excessive. The present depressed condition of business affairs furnishes the strongest argument against such an increase at this time. No facts or reasons have been furnished to me which satisfy me that the proposed re-adjustment of constable fees is reasonable, or that any revision whatever is necessary, and I cannot, therefore, approve the bill.

DANIEL H. HASTINGS.

Veto of "A Supplement to 'An Act Providing for the Permanent Improvement of Certain Public Roads or Highways in the Several Counties of this Commonwealth, Making Such Improved Roads and Highways County Roads,' Authorizing the Re-Location, Opening, Straightening, Widening, Extension and Alteration of the Same, the Vacation of so Much of Any Road as May Thereby Become Un-Necessary, Authorizing the Taking of Property for Such Improvements, and Providing for the Compensation Therefor and the Damages Resulting from Such Taking, Providing for the Payment of Costs and Expenses Incurred in Making Such Improvements and in Thereafter Repairing and Maintaining Said Roads, and Authorizing the Levy of a tax to Provide for Said Purposes,' so as to Authorize, in Connection with or in Addition to the Roads or Highways Mentioned in Said Act, the Construction of Roads for the Use of Bicycles, Tricycles, and other Vehicles with Pneumatic or Soft Rubber Tires and Propelled by Hand or Foot, the Appropriation of a Portion of the Road Tax for Such Purposes, Declaring the Use and Prohibiting Injury to Said Roads or to Persons or Property Using Them, Authorizing the County Commissioners to Make Certain Rules Relating Thereto, and Prescribing Fines for the Violation of Said Rules and of Other Provisions of Said Act, and Directing the Manner of Collecting Said Fines."

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., July 21, 1897.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, Senate bill No. 398, entitled "An act entitled 'A supplement to an act, entitled 'An act providing for

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the permanent improvement of certain public roads or highways in the several counties of this Commonwealth, making such improved roads and highways county roads, authorizing the relocation, opening, straightening, widening, extension and alteration of the same, and the vacation of so much of any road as may thereby become unnecessary: authorizing the taking of property for such improvement and providing for the compensation therefor, and the damages resulting from such taking, providing for the payment of the costs and expenses incurred in making such improvements, and in thereafter repairing and maintaining said road, and authorizing the levy of a tax to provide a fund for said purpose, approved June 20th, one thousand eight hundred and ninety-five, so as to authorize in connection with or in addition to the roads or highways mentioned in said act the construction of roads for the use of bicycles, tricycles and other vehicles with pneumatic or soft rubber tires, and propelled by hand or foot, the appropriation of a portion of the road tax for such purposes, declaring the use and prohibiting injury to said roads or to persons or property using them, authorizing the county commissioners to make certain rules relating thereto, and prescribing fines for the violation of said rules and of other provisions of said act, and directing the manner of collecting said fines."

The purpose of this act is the construction of roads for the use of bicycles, tricycles and like vehicles with pneumatic or soft rubber tires, and to authorize the county commissioners of the several counties of the Commonwealth to make provisions for such roads "over, upon and along, or partly over, upon and along any public road now opened or that may hereafter be opened and partly adjacent thereto or upon such other locations as may hereafter be selected by the commissioners."

This is a supplement to the act of June 26th, 1895, which provides for the permanent improvement of the highways of the Commonwealth. In the original act the taking of any private property by the county is most carefully guarded and the owners of any property either taken or affected by such improvement are assured of being heard by viewers, of having their rights fully adjudicated by the court of common pleas of the proper county, and of being justly compensated for any taking of land or damages sustained. The bill, which it is now proposed to enact, in the second section thereof, provides that when the county commissioners of any county shall resolve to lay out, open and construct any road for bicycles or like vehicles, they shall cause to be prepared surveys and plans with estimates of costs and expenses, and shall present such surveys, plans and estimates, together with their petition, to the court of quarter sessions, and upon filing thereof the said court shall direct notice of the same to be given by publication, at least once a week for three consecutive weeks in at least three newspapers of general circulation published in the proper county, and of the time when the said application will be laid before the grand jury, and the same proceedings shall be had thereon as are set forth in section 2 of the act of 1895.

Upon reference to section 2 of the original act, it appears that no provision is therein made for the appointment of viewers, the ascertainment of compensation or damages caused by the taking of private property or the improvement of public roads, nor for the payment of such compensation or damages when ascertained.

This act, therefore, while proposing to take private property for public use, makes no provision for making or securing to the owners thereof compensation for the land so taken, or the damages so suffered.

Section 10 of article one of the Constitution of Pennsylvania provides "nor shall private property be taken

or applied to public use without authority of law, and without just compensation being first made or secured." The act is clearly in contravention of this constitutional provision, and for this reason I withhold my approval.

DANIEL H. HASTINGS.

Veto of "An Act to Amend 'An Act to Provide for the Better Government of Cities of the First Class in this Commonwealth,' Providing a Better Method for the Confirmation of Appointees."

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., July 22, 1897.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, Senate bill No. 354, entitled "An act to amend sections one, two and three of article twelve of an act, entitled 'An act to provide for the better government of cities of the first class in this Commonwealth,' providing for a better method for the confirmation of appointees."

This bill proposes to amend sections one, two and three of article XII of an act, entitled "An act to provide for the better government of cities of the first class in this Commonwealth," approved the first day of June, Anno Domini one thousand eight hundred and eighty-five.

Section one of said act of 1885, provides that the mayor shall nominate and, by and with the advice and consent of the select council, appoint the director of the department of public safety, the director of the department of public works, and the president and directors of the department of charities and correction.

The bill under consideration proposes to amend section one so as to require the "advice and consent of three-fifths of all the members of the select council" instead of the advice and consent of the majority of a quorum under existing law.

Section two of article XII of the act of 1885, provides that "the directors or chief officers of departments shall appoint all subordinate officers and clerks. The directors or chief officers of departments may, by written order, giving their reasons therefor, remove or suspend subordinate officers and clerks, provided the same is not done for political reasons. In case of such removal the director shall appoint a successor who shall hold office subject to confirmation within ten days after such appointment by the select council, if then in session, or within ten days after the beginning of the next succeeding session if such appointment be made during a recess."

It is proposed to amend this section so as to require the directors or chief officers of departments to "nominate and, by and with the advice and consent of two-thirds of all the members of the select council, appoint all subordinate officers and clerks."

Section 3 of article XII of the act of 1885, provides that "all officers, clerks and employes, except the assistants of the city solicitor in the several departments and sub-divisions thereof, or of any board attached thereto, shall be appointed by the head of the said department, but from and after the passage of this act no such appointment or any promotion of any subordinate official, excepting only of assistants and laborers employed for special or temporary purposes, and professional experts, and such others as are specifically excepted by this act, shall be lawful except when made under and in pursuance of rules and regulations providing for the ascertainment of the comparative fitness of all applicants for appointment or promotion by a

systematic, open and competitive examination of such applicants," &c.

It is proposed by the bill under consideration to amend this section so as that "all officers, clerks and employes, except the assistants of the city solicitor, in the several departments and sub-divisions thereof, or of any board attached thereto, shall be appointed by the head of the said department, subject to confirmation by select council."

This bill applies only to the city of Philadelphia and must be considered with reference to the conditions there existing. The city of Philadelphia originally consisted of an area bounded on the north by Vine street, on the south by South street, on the east by Delaware avenue, and on the west by the Schuylkill, being about two miles long from river to river, and about one mile in width from north to south. A considerable number of municipalities surrounded the city on the north, west and south, each having a government of its own. In the year 1854 an act was passed, known as the "consolidation act," which brought within the corporate limits of the city all the outlying districts and made the city co-extensive with the county. After the consolidation act was passed for the purpose of supplying supposed omissions in that act and for other reasons, numerous acts of Assembly were passed relating to the city of Philadelphia, creating new and independent offices and departments in the city government and causing great confusion in the administration of city affairs. These departments of the city government had no executive head, they had no relation to each other, and they were managed by their chiefs in the way that best suited themselves. This state of things resulted, after many years of effort, upon the part of the people of Philadelphia, in the passage of an act of Assembly, entitled "An act to provide for the better government of

cities of the first class in this Commonwealth," approved June first, Anno Domini one thousand eight hundred and eighty-five. It was the result of painstaking study and consideration by disinterested and capable men, and in its practical workings has, I believe, proved satisfactory to the people of Philadelphia.

The chief vice sought to be remedied by the act of 1885 was the independent, conflicting and divided responsibility of the different departments of the city government, and we find in the first paragraph of the act, that "on and after the first Monday of April, one thousand eight hundred and eighty seven, in cities of the first class in this Commonwealth the executive power shall be vested in the mayor and in the departments authorized by this act." Executive responsibility was the one great end to be attained by this legislation. Each department head was to be held responsible to the executive for the efficiency of his department. The changes proposed by the bill under consideration are of a most important character as affecting the proper execution of the laws and ordinances relating to the city, and I will consider them in the order in which they are found in the bill.

Under existing law, as we have already seen, the mayor shall nominate and by and with the advice and consent of the select council, appoint the heads of the departments. This evidently means by and with the advice and consent of the majority of a quorum of the select council. It is proposed to change this to the requirement that the mayor can appoint only with the consent of "three-fifths of all the members of select council." The select council consists of thirty-eight members, and I am advised that twenty constitute a quorum for the transaction of business. Under the proposed amendment, in order to confirm any appointment of the mayor, it would require the presence and

consent of twenty-three of the thirty-eight members instead of the majority of a quorum under existing law. If this bill were to receive Executive approval, sixteen members of the select council could at all times by absenting themselves from the meetings, prevent all confirmations, and could seriously hinder and obstruct the administration of city affairs. The power thus given would afford a strong temptation to use it corruptly by coercing the mayor into making such appointments as would meet the approval of this minority.

The second proposed amendment relates to the appointment, by the directors of chief officers of departments, of their subordinate officers and clerks. Under existing law, the directors and chief officers appoint all subordinate officers and clerks, and are given the power to remove or suspend by written order, giving their reasons, with the further power to appoint to fill the vacancies so created, subject to confirmation in that case by the select council. The bill under consideration seeks to amend this provision by requiring the directors or chief officers of departments to "nominate and, by and with the advice and consent of two-thirds of all the members of select council, appoint all subordinate officers and clerks." This change, I believe, to be both unnecessary and unwise. The heads of the departments are held responsible for the work of their departments respectively, and to permit thirteen members of select council by their absence, to defeat the appointment of any subordinate officer or clerk, would in my judgment, be legislation of the most objectionable character.

Indefensible as are the two proposed amendments above considered, the third is infinitely more objectionable than either. Under existing law "all officers, clerks and employes * * * shall be appointed by the heads of the department, but * * * no such

appointment or any promotion of any subordinate official, excepting only of assistants or laborers employed for special or temporary purposes, professional experts, &c., shall be lawful except when made under and in pursuance of rules and regulations providing for the ascertainment of the comparative fitness of all applicants for appointment or promotion by a systematic, open and competitive examination of all applicants. Such rules and regulations it shall be the duty of the mayor and the heads of departments to make and promulgate within sixty days after the passage of this act. One of said rules shall provide that any personal solicitation of the officers of the said board, or of the appointing power, in favor of any candidate, by any person whomsoever, unless fraudulently done in order to injure him, shall be taken and deemed to have been done at the instance of the candidate himself, and shall disqualify him from competing at any such examination for appointment for and during one year thereafter."

It is proposed to amend this section so as to require "all officers, clerks and employes appointed by the heads of departments, to be confirmed by select council," and the salutary provision against personal solicitation in favor of any candidate is omitted. It was evidently intended by this section of the act of 1885 to put into operation civil service rules in the different departments of the city government. Such rules were adopted when the act went into effect, and have been in successful operation ever since. It has brought to the public service efficient men, the heads of departments being limited in their appointment to such as have passed the civil service examination. It is now proposed that the head of no department shall have the power of selection except with the consent of a majority of the select council. How the civil service provisions of the bill, which are still left to stand, can be

reconciled with the right of select council to defeat appointments made pursuant to the civil service rules, it is difficult to comprehend.

It will be observed that under the proposed amendment, not only officers and clerks, but all employes of the city must be confirmed by select council. The stoker in the gas works, the man who handles the pick and shovel upon the highway, and the laborers who dig the water trenches must all be nominated to the select council and by that body confirmed. I am advised that in the various bureaus in the department of public works there are employed nearly eight thousand persons, whose employment would be made to depend upon a vote of a majority of the select council. To say nothing of the impracticability of such a measure, it would be certain, in my judgment, to open the door to corruption that would permeate the entire city and ultimately be likely to affect every city official. It would open a new mart for the political trader, and would make the select council of the city of Philadelphia an oligarchy that would ultimately control the city with that tyranny which always comes where power is unrestrained.

There never has been submitted to me for my consideration a bill so utterly destitute of merit. It is so bad that no argument can be made in favor of any of its provisions. The bill itself furnishes a better argument against its approval than can any language of mine.

DANIEL H. HASTINGS.

Veto of "An Act Supplementary to 'An Act to Provide for the Better Security of Life and Limb in Cases of Fire in Hotels and Other Buildings,' Providing for Fire Alarms in Said Buildings, and Fixing a Penalty for the Violation Thereof."

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., July 23, 1897.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, Housebill No. 109, entitled "An act supplementary to an act, entitled 'An act to provide for the better security of life and limb in cases of fire in hotels and other buildings,' approved the eleventh day of June, Anno Domini one thousand eight hundred and seventy-nine, as amended by act of the third of June, Anno Domini one thousand eight hundred and eighty-five, providing for fire alarms in said buildings, and fixing a penalty for the violation thereof."

This bill, by its title, is supplementary to the fire escape laws of 1879 and 1885, and by its first section requires "that every hotel for the accommodation of the public; every factory, manufactory or workshop occupying an entire building, or in which employes or operators are usually employed at work in the second or higher story thereof; every public school building, theatre, opera house and other public building where large numbers of persons congregate for the purpose of instruction or amusement; every mercantile establishment occupying an entire building, or doing business on or above the second story of any building, and where ten or more persons are usually employed; every building used in whole or in part for office purposes, and in which office rooms are located in the third or higher story; and every hospital and asylum shall be provided with a method or system by which alarms of

fire can be instantly communicated to the fire departments of the proper municipality in which the said building is situated, provided said municipality has a system of fire alarm."

The second section of the act provides for the imposition of a penalty upon all persons, corporations and others having charge and control of such buildings for neglecting or refusing to comply with the requirements of the first section of the act.

It will be noted that the provisions of this bill are applicable only to such municipalities as have "a system of fire alarm." If approved, it would, therefore, probably apply only to the cities and possibly some of the larger boroughs of the State. The bill presupposes the existence of a municipal fire alarm system wherever it is to become effective. Such fire alarm systems have always been established, so far as I am aware, by municipal legislation of such a character and under such regulations as the municipal legislature in each case thought best. The bill under consideration undertakes to extend such fire alarm system in the various municipalities in the State by requiring that all of the buildings of the character described in the act shall be provided with "a method or system by which alarms of fire can be instantly communicated to the fire departments of the proper municipality in which the said building is situated." To accomplish this one of two things will be necessary—either that such method or system be connected with the existing fire alarm system in the municipality, which is probably the intent of the act, or that an entirely new system, independently of the systems now in operation in the various municipalities, be established to connect with the fire department. If the former plan be intended, then I find no provision in the bill by which the owner of a building can compel the municipality to permit his connecting with the existing fire alarm system, no duty

being imposed upon the municipality by any provision of the bill to permit such connection.

The bill imposes a penalty upon the owner of a building if he does not provide a "method or system by which alarms of fire can be instantly communicated to the fire departments," without imposing any obligation upon the municipality to permit him to connect with the existing fire alarm system. It is possible, perhaps probable, that, in many municipalities of the State, an attempt to so connect with the fire alarm system now in operation would so disorganize and disarrange the existing system as to render it valueless and require the inauguration of a new system to make it effective.

If on the other hand, it is intended that the owner of each building of the character named in the bill shall provide "a method or system" by which he communicates directly with the fire department without the intervention of the existing fire alarm system, then the bill would prove utterly inoperative and impracticable because the imposition of duty is upon each individual, no unity of action being required, and no supervision of the municipality even suggested.

The protection of property from the ravages of fire is a well recognized municipal function. It is exercised, and has been exercised from time immemorial, not only by the cities but the boroughs of this Commonwealth. The interests of the inhabitants of a municipality and their power of local self government have in the past proven a reasonably efficient protection against destruction by fire. From time to time, as new appliances or devices are invented, they are likely to be adopted if found useful, and I am of the opinion that it is better to leave to the municipalities of this State the freedom which they now have to adopt such system and such appliances as they may deem

best, unhampered and uncontrolled by an act of Assembly.

DANIEL H. HASTINGS.

Veto of "An Act Relative to Applications for Warrants for the Vacant Lands of the Commonwealth, Filing of Caveats Against the Granting of Such Warrants, their Consideration by the Board of Property, and Authorizing Suits at Law by Either Party that May be Dissatisfied with the Decision of the Board of Property in Regard to Granting Such Warrants."

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., July 26, 1897.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 162, entitled "An act relative to applications for warrants for vacant lands of the Commonwealth, filing of caveats, against the granting of such warrants, their consideration by the Board of Property, and authorizing suits at law by either party that may be dissatisfied with the decision of the Board of Property in regard to granting such warrants."

This bill is of more than ordinary importance. It is an innovation upon the practice respecting the disposition of the public lands of the State which has prevailed more than one hundred years. The bill provides that "whenever an application shall be filed in the office of the Secretary of Internal Affairs, under the laws of this Commonwealth, for a warrant to survey any of the lands therein claimed to be vacant, and a caveat shall be filed by any parties protesting against

the granting of such warrant, who shall assert their ownership or pre-emption right to the lands described in the application, and such application for a warrant and the caveat against the granting of the same shall be considered by the Board of Property and be determined either in favor of the applicant or the caveator, the warrant shall, nevertheless, be stayed for the term of six months, within which time the party against whom the determination of the board is made, may enter suit at law, but not afterwards, and the party in whose favor the determination is made, shall be deemed and taken to be in possession of the land described in the application to all intents and purposes necessary for trying the title, although the other party shall or may be in actual possession, but which supposed possession shall, nevertheless, have no effect upon the title at the end of said term of six months. If no suit is entered a warrant shall issue according to the determination of the board, upon the applicant producing a certificate of the prothonotary of the proper county that no suit is commenced, or if a suit shall have been entered a warrant shall, at the determination of suit, issue in common form to the party in whose favor the determination at law may have been made."

Under existing law, any person may make application to the Secretary of Internal Affairs for a warrant to survey any land alleged to be vacant after giving thirty days notice of his application, once a week for three successive weeks in one or more newspapers of the county in which the land is situate. The warrant then issues to the applicant, survey is made by the county surveyor, and after return made to the Secretary of Internal Affairs, the patent issues. The bill under consideration provides that, in case a caveat is filed against the granting of the warrant, after hearing had before the Board of Property, the warrant shall

be stayed for the term of six months, within which time the party against whom the determination of the board is made, may enter a suit at law, but not afterwards. The practical working of this measure, should it receive Executive approval, may be thus illustrated:

Application is made for a warrant to survey alleged vacant land, which land may have been in the possession of one holding a patent from the Commonwealth, and upon which he and those under whom he claims, may have paid taxes for a half century or more. The allegation of the applicant, in almost all cases of this character, is that a part of the land so claimed is not included in the quantity claimed by the owner, and that as to such part the land is vacant. By the lapse of time the original monuments have probably disappeared and it is extremely difficult to establish the lines. The owner, we will suppose, who has thus paid the purchase money to the Commonwealth and the taxes through a series of years, has notice that an application for a warrant is being made for a part of his land. A caveat is filed, and hearing had before the Board of Property. That board decides that the applicant shall have his warrant to make the survey and a decision is made against the owner. By the terms of this bill, the party in whose favor the determination is made shall be deemed and taken to be in possession of the land for the purpose of trying the title, although the owner is in actual possession, and if he wants to preserve his title he must bring suit against the applicant for the warrant within six months to determine his right in the courts.

The effect of legislation of this character would be to encourage speculative litigation and require land owners throughout the Commonwealth to go into court to establish their titles, upon the request of any one who chooses to allege that there is vacant land within the survey of the owner. It would place in

jeopardy land titles throughout the Commonwealth, the advertisement of the application for the warrant being required to be made only in the county where the land lies, and many owners who are non-residents of the county would frequently be without notice of such application. I have heard no complaint from the legal profession as to the existing and long established practice in the Land Department of the State, and, as I believe the proposed legislation to be objectionable for the reasons above stated, I withhold my approval from the bill.

DANIEL H. HASTINGS.

Veto of "An Act to Revise and Amend 'An Act Providing for the Incorporation and Government of Cities of the Third Class,' Enlarging, Modifying and Defining the Powers of Cities of the Third Class."

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., July 26, 1897.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth. Senate bill No. 137, entitled "An act to revise and amend an act, entitled 'An act providing for the incorporation and government of cities of the third class,' approved May twenty-third, Anno Domini one thousand eight hundred and eighty-nine, enlarging, modifying and defining the powers of cities of the third class."

This bill is very voluminous and contains many provisions that would improve the existing laws relating to cities of the third class, and it is with regret, that by

reason of several of its provisions which seem to me objectionable, I am constrained to withhold my approval.

Section 8 gives power to cities of the third class "to construct, own, maintain, and operate electrical subways, and to provide for the cost thereof, either in whole or in part, from the general revenues of the city, and to enforce under proper regulations the use of said subways by any person, firm, company or corporation using overhead wires for the transmission of electricity, except wires used by street railway companies through, along or over the streets, lanes or alleys of the city, and to charge and receive a reasonable compensation for such use."

This language would appear to give power to the municipality to oblige existing corporations using overhead wires for the transmission of electricity, to take down their wires and poles, use the subway instead and to pay such charge to the city for the use thereof as councils might impose. Power is thus given to the municipality to confiscate without compensation the poles and wires of electric light, telephone and telegraph companies and compel a large expenditure of money by adopting an entirely new system. I can not but regard this as unfair and unreasonable exercise of power. Subways for these purposes may be desirable and are probably necessary in large cities, but in many of the smaller cities of the third class it would be an unnecessary hardship.

Clause IX of section 8 adds to the existing powers vested in cities of the third class the power to "purchase water works and to borrow money and issue bonds, if necessary, to pay the costs thereof."

It must be assumed that it is intended to vest this power in councils of each city without any limitation whatever. The bill is silent upon the question of voting by the people upon the increase of debt and ignores

that provision of the Constitution which forbids any municipality to "increase its indebtedness to an amount exceeding two per centum upon the assessed valuation of its property without the assent of the electors thereof at a public election in such manner as shall be provided by law."

Clause 13 of section II gives councils the power "to create any office, board of officers or department which they may deem necessary for the good government and interest of the city, and to regulate and prescribe the terms, powers, duties and compensation of such officers or board of officers."

This is certainly not an improvement upon existing law. It is not in the interest of an economical administration of city affairs. If new boards or departments are necessary, they should be created by act of Assembly. To give councils the unlimited power to multiply departments and vest them with the right to fix their compensation is, I think, very objectionable.

Section 39 of the bill so amends existing law as to omit the following provision: "The viewers provided for in the foregoing sections of this article may be appointed before or at any time within six years after the entry, taking, appropriating or injuring of any property or materials for constructing said improvements."

Six years has long been the statutory limitation upon the right of bringing suits in ordinary cases, and if it is intended by this omission that the right of the appointment of viewers for the assessment of damages shall be without limit, I regard it as objectionable.

Section 45 amends section 30 of article XV of the act of 1889, regarding the assessment upon properties for municipal improvements by omitting the following: "And provided further, That this act shall not preclude any defense against the collection of such assessments arising from the manner of constructing such improvements or the quality of the materials used

therein or from non-compliance with the provisions of any act or acts under which such improvements are claimed to have been made."

I regard this as a salutary provision in existing law and can see no reason for striking it down. The person whose property is assessed for the cost of a payment or the building of a sewer ought certainly to be permitted to defend if the pavement or sewer is worthless or not of the kind contracted for.

This section is further amended in regard to assessments for municipal improvements by providing "that cities of the third class shall have power to provide by ordinance for the assessment or re-assessment of the cost of local improvements already made or hereafter to be made, or in process of construction, or when the assessment or assessments heretofore made within eight years previous to the passage of this act, or at any time hereafter to be made, cannot for any reason be collected, whether such assessments shall have been made under the provision of this or any other act, upon the property benefited thereby, or upon the property abutting or fronting upon the street, lane, alley or part thereof, where the said improvements have been, or are being, or shall at any time have been made."

The effect of this provision, if the bill received Executive approval, would be to allow an assessment or re-assessment of property for improvements made at any time within the past eight years. It would create liens upon properties that may have changed hands many times during the period mentioned, and would impose burdens upon present owners of property of which they could have had no notice at the time of their purchase. The evident purpose of this provision is to cure mistakes and correct the carelessness of public officials, but it ought not to be done at the expense of property owners who had neither voice nor power in making the improvement.

There are a number of minor provisions in the bill of an objectionable character, but those already discussed furnish sufficient reason for withholding my approval.

DANIEL H. HASTINGS.

Veto of "An Act Making an Appropriation to the Titusville Hospital, Titusville, Pennsylvania."

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., July 27, 1897.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, Senate bill No. 464, entitled "An act making an appropriation to the Titusville Hospital, Titusville, Pennsylvania."

This bill appropriates the sum of thirty thousand dollars, or so much thereof as may be necessary, to the Titusville Hospital, situated at Titusville, Crawford county, for the two fiscal years beginning June one, one thousand eight hundred and ninety-seven, the sum of twenty-five thousand dollars being for the purchase, alteration and equipment of a hospital building, and five thousand dollars for maintenance.

At my request a member of the State Board of Charities visited Titusville on the 20th inst., for the purpose of investigating the facts regarding this proposed hospital. In his report, which is now before me, he states: "When I was there no organization for hospital purposes had been effected, and nothing at all had been done toward the raising of any money for the purpose. I was informed that some individuals had spoken to the owner of a building suitable for the pur-

pose about its purchase, but no definite information was furnished me as to price, ability to buy or anything else in regard to it. I was shown the building; it can, with some slight alterations be made very suitable for the purpose. At the time I was there I was told that there was no organization. Last evening (July 21st,) I received a telegram informing me that an organization had been effected of the Titusville City Hospital. * * * This organization was seemingly effected after five o'clock of the afternoon of the 20th inst. This appropriation is to the Titusville Hospital. The one organized appears, from the telegram, to be the Titusville City Hospital. Taking all the circumstances into consideration, I am of the opinion that the appropriation should not be allowed."

There are at present two hospitals in the city of Meadville, the county seat of Crawford county, one at Corry, twenty-eight miles distant from Titusville, and one at Oil City, seventeen miles distant. I am clearly of the opinion that no public necessity exists for rendering State aid to this proposed institution, and I therefore withhold my approval.

DANIEL H. HASTINGS.

Veto of "An Act Making an Appropriation to the Butler County General Hospital."

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., July 27, 1897.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 958, entitled "An act making an appropriation to the Butler County General Hospital."

This bill appropriates the sum of \$5,000 to the Butler County General Hospital, located "in and near," as the bill recites, the borough of Butler, for the two fiscal years beginning June first, 1897, for the purpose of maintenance. Objection having been filed to the approval of the bill on the ground that no necessity existed for the appropriation of such a sum of money, at my request, a member of the State Board of Public Charities visited Butler for the purpose of ascertaining the facts, which are as follows: No application was made to the State Board of Public Charities for an appropriation, and accordingly no recommendation was made by the Board. The Butler County General Hospital is an association composed of good citizens of the borough of Butler, who have purchased a lot of ground as a site for the proposed hospital, for which the sum of \$1,250 has been paid. A subscription list has been circulated among the citizens and subscribers thereto have been obtained to the amount of something over \$6,000. Plans and specifications for the building have been prepared and bids have been advertised for, and it is proposed by the officers of the organization to expend from ten to twelve thousand dollars in the erection of a hospital building. Excepting the purchase of the building site, the obtaining of subscriptions as above stated, and the advertisement to let the contract for the building, nothing has been done. The town of Butler contains from ten to twelve thousand population. The nearest hospitals are the Mercer hospital, thirty-one miles distant, and the Allegheny city hospitals, at a distance of thirty-five miles, or about one hour's ride by rail. The member of the Board of Public Charities making the investigation, concludes his report as follows: "Taking all the circumstances and surroundings into consideration, I am not of the opinion that there is such necessity as warrants the appropriation. I am not convinced that

there is such necessity for this new hospital at this time that will warrant the State in granting the aid asked for."

It will be observed that the appropriation made in the bill is for maintenance, but inasmuch as there is no hospital at present, and taking into consideration the length of time reasonably necessary to erect and furnish a building, and in view of the fact that the next session of the Legislature is only eighteen months distant, I am of opinion that the next Legislature could better determine the question whether or not in future the State should give partial aid to the maintenance of this institution, and for these reasons Executive approval is withheld.

DANIEL H. HASTINGS.

Veto of "An Act Making an Appropriation to the American Hospital Association."

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., July 28, 1897.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 1002, entitled "An act making an appropriation to the American Hospital Association."

This bill appropriates the sum of ten thousand dollars, or so much thereof as may be necessary, to the American Hospital Association of Mahanoy township, Schuylkill county, for the fiscal year beginning June 1st, one thousand eight hundred and ninety-eight, for the purpose of maintenance, and provides that no part of the money appropriated shall be available until the "managers of said institution shall have certified under

oath to the Auditor General that they have completely furnished a building for hospital purposes, with a capacity of at least twenty-five beds, and equipped the same with the necessary surgical implements, and that the said furnishing and implements have been paid for by private subscription, and that no part of this appropriation shall be used for the purpose of any furnishing or implements."

"The American Hospital Association," to which it is proposed to make this appropriation, has no hospital building and no site upon which to erect one. The appropriation of ten thousand dollars is for maintenance for the fiscal year beginning June 1st, one thousand eight hundred and ninety-eight, the sum which, it is anticipated, will be necessary for maintaining patients during that year, if money enough can be raised by private subscription in the meantime to buy the necessary land, erect the building, furnish and equip it. It will be seen, therefore, that it is problematical whether or not the American Hospital Association will have any place for the reception of patients during the year for which the appropriation is made. Being of the opinion that the present condition of the revenues will not warrant the State in taking upon itself any new obligations not absolutely necessary, I withhold my approval from this bill.

DANIEL H. HASTINGS.

Veto of "An Act Making an Appropriation for the Payment of the Expenses Incurred by the Joint Committee on Public Buildings and Grounds of the Senate and House of Representatives Appointed to Investigate and Report to the General Assembly the Result of their Investigation, the Cause of the Fire which Destroyed the Capitol Building on February Second, One Thousand Eight Hundred and Ninety-seven."

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., July 28, 1897.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth. House bill No. 1005, entitled "An act making an appropriation for the payment of the expenses incurred by the joint Committee on Public Buildings and Grounds of the Senate and House of Representatives, appointed to investigate and report to the General Assembly the result of their investigation of the cause of the fire which destroyed the Capitol Building on February second, one thousand eight hundred and ninety-seven."

This bill appropriates the sum of nine hundred and fifty dollars (\$950.00) in a single item, or so much thereof as may be necessary, for the payment of the expenses of the joint committee of the Senate and House of Representatives on Public Buildings and Grounds, appointed to investigate the cause of the burning of the Capitol Building on February 2d, 1897, and report the result of their investigation to the Legislature. No member of the Committee makes any charge for either mileage or expenses, the entire amount being made up of stenographer's fees and the fees of the Sergeant-at-arms. The investigation took place in Harrisburg. The testimony taken amounted to about two hundred and fifty pages, for which a charge is

made for sixteen days at ten dollars a day, and seven hundred and twenty dollars in addition for making six copies. The bill of the Sergeant-at-arms as rendered originally, amounted to eight hundred and thirty dollars, which included two hundred and fifty dollars for service in attendance upon Committee. The entire bill was cut down by the General Assembly to nine hundred and fifty dollars.

Under date of July 19, 1897, the Chairman of the Committee writes me concerning the appropriation, and says, amongst other things, "I am of the opinion this bill is yet double what it should be." The Sergeant-at-arms is provided a salary by law, and I believe his charge for services in attendance upon this committee, under the circumstances, to be unwarranted. The stenographer's bill is extravagant in amount, even as reduced by the General Assembly. For these reasons my approval is withheld.

DANIEL H. HASTINGS.

Veto of "An Act Making an Appropriation for the Payment of the Expenses Incurred by the Legislature of Pennsylvania in Attending the Ceremonies Connected with the Unveiling of the Monument at the Tomb of General U. S. Grant, at New York, on April Twenty-Seventh, One Thousand Eight Hundred and Ninety-Seven, and the Washington Monument at Philadelphia, on May Fifteenth, One Thousand Eight Hundred and Ninety-Seven."

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., July 28, 1897.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 1006, entitled "An act making an appropriation for the payment of the expenses in-

curred by the Legislature of Pennsylvania in attending the ceremonies connected with the unveiling of the monument at the tomb of General U. S. Grant at New York, on April twenty-seventh, one thousand eight hundred and ninety-seven and the Washington monument at Philadelphia on May fifteenth, one thousand eight hundred and ninety-seven."

This bill appropriates for the purposes indicated in the title the sum of five thousand dollars in a single item. The General Assembly pursuant to Joint Resolution of the two bodies, attended the ceremonies connected with the unveiling of the monument at the tomb of General Grant at New York on April 27, 1897, and like ceremonies at the unveiling of the Washington monument at Philadelphia, May 15, 1897, and this appropriation is intended to cover the expenses of the members of the Legislature in attending such ceremonies.

I withhold my approval from this bill because I believe it to be an improper expenditure of the public funds. It is nowhere made the duty of the Legislature to attend public occasions of this kind in their official capacity, however worthy they may be, and therefore the payment of the expenses out of the public treasury cannot be justified. The Executive and Judicial Departments of the State were in attendance at the ceremonies, both in New York and Philadelphia, as was also the National Guard of the State, and all without any expense to the Commonwealth. I see no reason why the Legislative Department should be made an exception. In principle the appropriation cannot be defended, and, although there may be legislative precedent for it, it is, in my judgment, a precedent that would be more honored in the breach than in the observance.

DANIEL H. HASTINGS.

Veto of "An Act to Declare the Species of Fish which are Game Fish, and Fish Commercially Valuable for Food, and to Regulate the Catching and Encourage the Propagation of the Same; to Protect the Waters Within the State from Improper and Wasteful Fishing; to Provide for the Appointment of Fish Commissioners and Fish Wardens, and to Declare their Official Powers and Duties; and to Encourage and Regulate the Artificial Propagation of Game and Food Fish by Such State Fish Commissioners and Others, and to Regulate the Distribution of the Same in the Waters of the Commonwealth, and to Provide Penalties and Punishments for the Violation of the Provisions thereof, and Repealing the Following Acts: (1) 'An Act Providing for the Construction of Fishways, and for the Propagation and Protection of Fish, and Appropriating Moneys Therefor, Approved the Fourteenth Day of May, Anno Domini One Thousand Eight Hundred and Seventy-Four;' (2) 'An Act to Consolidate and Amend the Several Acts Relating to Game and Game Fish, Approved the Fifth Day of May, Anno Domini One Thousand Eight Hundred and Seventy-Six, so far as it Relates to Fish;' (3) 'Also An Act to Amend and Consolidate the Several Acts Relating to Game and Game Fish, Approved the Third Day of June, Anno Domini One Thousand Eight Hundred and Seventy-Eight, so far as it Relates to Fish; and Also the Supplement to the Said Act, so far as it Relates to Fish, Approved the Tenth Day of June, Anno Domini one Thousand Eight Hundred and Eighty-one;' (4) 'An Act for the Protection of Fish in the Waters of Lake Erie, Approved the Sixteenth Day of May, Anno Domini one Thousand Eight Hundred and Seventy-Eight;' (5) 'An Act Providing for the Propagation and Protection of Fish, and Appropriating

Money Therefor, Approved the Eleventh Day of June, Anno Domini One Thousand Eight Hundred and Seventy-Nine;' (6) 'An Act for the Protection of the Fishing Interests of the State, Approved the Eleventh Day of June, Anno Domini one Thousand Eight Hundred and Seventy-nine;' (7) 'An Act to Prevent the Catching, Killing, Exposing for Sale, or Having in Possession, Speckled Trout, Except from the Fifteenth Day of April to the Fifteenth Day of July, Approved the Eleventh Day of June, Anno Domini One Thousand Eight Hundred and Eighty-Five;' (8) 'An Act for the Protection of Shad and Game Fish in the State of Pennsylvania, approved the Twenty-Second Day of May, Anno Domini One Thousand Eight Hundred and Eighty-Nine;' (9) 'An Act for the Protection of Fish in the Waters of Lake Erie, Approved the Twenty-Second Day of May, Anno Domini One Thousand Eight Hundred and Eighty-Nine; and Also the Amendment to the Said Act, Approved the Twentieth Day of May, Anno Domini One Thousand Eight Hundred and Ninety-One;' (10) 'An Act to Permit the Use of Eel Pots in the Rivers and Waters of this Commonwealth, Other Than Trout Streams, Approved the Twenty-Fifth Day of June, Anno Domini One Thousand Eight Hundred and Eighty-Five;' (11) 'Also An Act to Prevent the Placing in the Waters of Pennsylvania of any Torpedo, Giant Powder, Nitro-Glycerine, Lime or Any Poisonous or Explosive Substances of Any Kind, for the Purpose of Taking Fish, and Providing a Penalty for the Violation Thereof, Approved the Twenty-Fifth Day of June, Anno Domini One Thousand Eight Hundred and Ninety-Five.' "

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., July 29, 1897.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 140, entitled :

“An act to declare the species of fish which are game fish and fish commercially valuable for food, and to regulate the catching and encourage the propagation of the same, to protect the waters within the State from improper and wasteful fishing, to provide for the appointment of fish commissioners and fish wardens and to declare their official powers and duties, and to encourage and regulate the artificial propagation of game and food fish by such State Fish Commissioners and others, and to regulate the distribution of the same in the waters of the Commonwealth, and to provide penalties and punishments for the violation of the provisions thereof and repealing the following acts:

“An act providing for the construction of fishways and for the propagation and protection of fish and appropriating moneys therefor, approved the fourteenth day of May, Anno Domini one thousand eight hundred and seventy-four.

“Also an act to consolidate and amend the several acts relating to game and game fish, approved the fifth day of May, Anno Domini one thousand eight hundred and seventy-six, so far as it relates to fish.

“Also an act to amend and consolidate the several acts relating to game and game fish, approved the third day of June, Anno Domini one thousand eight hundred and seventy-eight, so far as it relates to fish, and also the supplement to the said act so far as it relates to fish, approved the tenth day of June, Anno Domini one thousand eight hundred and eighty-one.

“An act for the protection of fish in the waters of

Lake Erie, approved the sixteenth day of May, Anno Domini one thousand eight hundred and seventy-eight.

"An act for the propagation and protection of fish and appropriating money therefor, approved the eleventh day of June, Anno Domini one thousand eight hundred and seventy-nine.

"An act for the protection of the fishing interests of the State, approved the eleventh day of June, Anno Domini one thousand eight hundred and seventy-nine.

"An act to prevent the catching, killing, exposing for sale or having in possession speckled trout, except from the fifteenth day of April to the fifteenth day of July, approved the eleventh day of June, Anno Domini one thousand eight hundred and eighty-five.

"An act for the protection of shad and game fish in the State of Pennsylvania, approved the twenty-second day of May, Anno Domini one thousand eight hundred and eighty-nine.

"An act for the protection of fish in the waters of Lake Erie, approved the twenty-second day of May, Anno Domini one thousand eight hundred and eighty-nine, and also the amendment to the said act approved the twentieth day of May, Anno Domini one thousand eight hundred and ninety-one.

"An act to permit the use of eel pots in the rivers and waters of this Commonwealth other than trout streams, approved the twenty-fifth day of June, Anno Domini one thousand eight hundred and eighty-five.

"Also an act to prevent the placing in the waters of Pennsylvania of any torpedo, giant powder, nitro-glycerine, lime, or any poisonous or explosive substances of any kind for the purpose of taking fish, and providing a penalty for the violation thereof, approved the twenty-fifth day of June, Anno Domini one thousand eight hundred and ninety-five."

This bill is intended to regulate the taking of fish within the waters of the State, to encourage the propa-

gation of food fish, to restrain improper and wasteful fishing, and to define the duties and powers of the Commissioners of Fisheries and their subordinates. The bill as originally introduced was prepared by the Commissioners of Fisheries, but in the course of its passage was so radically amended as to change its original purpose. In its present form it is open to most serious objections.

Section four, six, ten and thirteen specify the minimum size of the different varieties of fish which may be legally taken. These minimum sizes are as follows: Salmon, one pound in weight; brook trout, rainbow or California trout, hybrid or brown trout, five inches in length; black bass, striped bass or rock fish, green or Oswego bass, pike-perch or Susquehanna salmon, seven inches in length; pike, pickerel, muscullonge nine inches in length.

The only policy which can effectually protect the development of food fish is to prohibit the taking of any fish from the waters of the State until they have reached a size, age and weight which will render them able to propagate. If mature and breeding fish alone are caught the waters of the State can never be entirely depopulated. The past policy of legislation upon this subject has been uniformly upon these lines, and any new departure must result harmfully upon the supply of food and game fish within the State. The bill under consideration would permit the taking of salmon, the greatest of all food fish, recently introduced with some success in the river Delaware, of any weight in excess of one pound. When it is remembered that a young salmon ordinarily reaches the weight of one pound three or four years before arriving at the spawning age, it becomes obvious at once that this provision would render entirely abortive any attempt to make the salmon a source of food supply in any of our rivers. The same objection is true of the

minimum size of the bass and the pike. The muscalonge can hardly be described as a reproducing fish until it has reached a length of eighteen or twenty inches. It would be most harmful and destructive to permit them to be taken at a length of nine inches, as provided by this bill. The work of the Commissioners of Fisheries consist in part in introducing into the waters of the Commonwealth fish which in time will reproduce and multiply so that our citizens may be supplied with this character of food without depoullating the streams. No argument is necessary to show that if the seed thus planted may be removed from the waters of the State without the opportunity of multiplying, the work of the Fish Commission is rendered useless.

Another objectionable feature is that which legalizes the use of set lines and out lines, eel dams, set nets and fish baskets, which are among the devices recognized as most deadly and destructive of food fish. Section 2 permits the fishing with set lines or out lines, between sunset and sunrise, for the taking of catfish and eels. It is urged in defense of this provision that catfish and eels are the only varieties which feed at night, and that therefore all game fish would be safe from being caught within this period. In the interval between sunset and darkness, and also between dawn and sunrise, certain varieties of fish do a large part of their feeding, and this section would legalize a kind of fishing which would be most destructive to valuable food fish of various kinds.

Section 40 permits the use in any waters of this Commonwealth which do not contain trout, of "eel pots made of wicker work or netting;" of eel dams and walls provided with wiers or nets; of set nets, from April 15th to June 15th, and from September 15th to November 15th, and of fish baskets "in any rivers of this Commonwealth which partly flow through this

and partly through an adjoining State" from September 15th to November 15th. There are some unimportant limitations imposed upon the use of the devices which are legalized by this section. The friends of the measure defend this section on the ground that the devices therein legalized are intended for the catching of eels only, and if they did no more, the section would be open to no serious objection. But these devices are deadly to fish of all varieties. The provision relating to fish baskets would apply to the Susquehanna and Delaware rivers, into the waters of which the Commissioners annually introduce millions of shad fry, for the purpose of keeping up the supply. Fish baskets in either of these streams would destroy many millions of young shad in every season, and much of the money spent in the effort to keep up the shad fisheries would be wasted and thrown away.

Another serious and vital defect in the bill is its failure to prohibit fishing on Sunday. In the laws of this State at present are a number of provisions which prohibit the taking of fish upon that day. Among those now in force reference is made to section 17 of the act of June 3d, 1878, which applies to the entire State; section 6, act of May 16th, 1878, applying to the waters of Lake Erie, and section 3 of act of May 22d, 1889, which applies to fishing with net in Delaware river. Section 64 of the bill before me repeals in express terms these three acts of Assembly without re-enacting the prohibition, thus operating not only to the detriment of our fishing interests, but also taking away the wholesome restraints upon Sunday fishing.

The penal provisions of the act are defective. No penalty whatever is imposed for the violation of section 23, which forbids the obstruction of fishways maintained by the Fishery Commissioners, or other obstructions intended to prevent the migration of fish or the fishing with nets.

Section 32 provides "That any person violating the fourteenth, fifteenth, sixteenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second or twenty-sixth sections of this act shall be fined one hundred dollars for each offense, together with all the costs of suit, or shall suffer one day's imprisonment for each dollar of fine unpaid, but in no case shall the terms of imprisonment exceed thirty days, nor shall the fine exceed ten per centum of his unincumbered estate."

The sections for the violation of which penalties are therein imposed are important. Under this provision a fine may be imposed and in default of payment the offender may suffer one day's imprisonment for each dollar of fine unpaid, but the fine, by the terms of the section, shall not exceed ten per centum of the unincumbered estate of the offender. The only estate in law which is the subject of incumbrance is realty. If the offenders, therefore, have no real estate they cannot be made the subject of any fine; and since the imprisonment is in the alternative and is to be measured by the fine imposed, if there be no power to fine there is also no power to imprison. It follows, therefore, that any citizen who is not the owner of real estate may violate the sections of the law containing this penal provision with impunity.

Furthermore, the legislation is too loose and defective to be justified and I, therefore, withhold my approval.

DANIEL H. HASTINGS.

Veto of "An Act to Provide for the Appointment of a Game and Fish Warden, and to Prescribe His Powers and Duties."

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., July 29, 1897.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 342, entitled "An act to provide for the appointment of a game and fish warden and to prescribe his powers and duties."

This bill provides for the appointment of a State Game and Fish Warden, with deputies in each of the counties of the Commonwealth, defines their duties and regulates their compensation.

Under the provision of section two the State Game and Fish Warden is made the secretary of the Boards of Game and Fish Commissioners, and is given charge of the reports, books, papers and documents of these commissions, and is required to collect, classify and preserve statistics, data and information tending to promote the objects of said boards respectively.

Under this bill the State Game and Fish Warden, although appointed by the Boards of Game and Fish Commissioners, is not required to submit to either of them any report of the services performed by him, or in any way account to them for moneys coming into his hands from the collection of fines imposed upon offenders against the game and fish laws, nor have these commissions or either of them any power or control over the publication of his reports. Such reports are to be made to the Secretary of the Commonwealth, who is required to edit and publish the same. This provision is inharmonious and objectionable.

But the most objectionable feature of the bill is found in the fourth section, and provides as follows:

"Said wardens shall have power to search any person and examine any boat, conveyance, vehicle, fish box, fish basket, game bag, or game coat, or any other receptacle for game or fish when he has good reason to believe that he will thereby secure evidence of the violation of the law and any hindrance or interference or attempt at hindrance or interference with such an examination shall be prima facie evidence of a violation of the law by the party or parties who hinder or interfere with or attempt to hinder or interfere with such search or examination."

The language quoted proposes to give to the game and fish wardens and his sixty-seven deputy wardens the arbitrary power to make search of the persons and property of the citizens of the Commonwealth to secure evidence of a violation of law. Section 8 of article I of the Constitution of Pennsylvania is as follows: "The people shall be secure in their persons, houses, papers and possessions from unreasonable searches and seizures, and no warrant to search any place or to seize any person or things shall issue without describing them as nearly as may be, nor without probable cause, supported by oath or affirmation, subscribed to by the affiant."

So far as this section proposes to give to the wardens the right to "search any person, examine any boat, conveyance, vehicle, fish basket, fish box, game bag, or game coat, or any other receptacle for game or fish," it is in contravention of the article of the Constitution just quoted, and therefore cannot be approved.

Although the proposed bill contemplates the appointment of a State game and fish warden at an annual salary of \$1,200.00, and of deputy game and fish wardens in the several counties at a maximum annual cost of \$10,000.00, no appropriation is made out of which to pay these officials, nor is there in the gen-

eral appropriation bill any provision made for their payment. If the bill were to become a law it would for this reason alone be totally inoperative.

For the reasons given I withhold my approval.

DANIEL H. HASTINGS.

Veto of "An Act to Provide for the more Safe and Efficient Means of Exit from Theatres and Other Places of Public Amusement Hereafter Constructed Where Stage Scenery and Apparatus are Employed."

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., July 29, 1897.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 416, entitled "An act to provide for the more safe and efficient means of exit from theatres and other places of public amusement hereafter constructed, where stage scenery and apparatus are employed."

The purpose of this bill is to provide for the public efficient and safe means of exit from theatres and places of amusement, and for the better protection of life in case of fire and panic occurring in such places of amusement. The bill is obviously drawn with exclusive reference to the conditions and needs of theatres and other places of amusement in large cities, but its provisions would apply to all theatres and other places of public amusement where stage scenery and apparatus are used, in all the cities, boroughs and smaller towns of the State. A large proportion of our small towns and villages now have their halls of pub

lic amusement equipped, to some degree, with stage scenery and apparatus, where public entertainments are given, and similar theatres and public halls are being constantly erected in all parts of the Commonwealth. Many of these are buildings of a single story, exit from which is amply provided by means other than those which are specifically required in the bill now under consideration. It would be unfair, onerous and oppressive to apply the provisions of this bill to public amusement halls erected in the smaller cities and towns, as it would add greatly to the cost of construction and in effect might be prohibitory, and I therefore feel constrained to disapprove the measure.

DANIEL H. HASTINGS.

Veto of "An Act Making an Appropriation to Joseph Wyatt, Sergeant-at-Arms of the House of Representatives, for the Session of One Thousand Eight Hundred and Ninety-Seven, for the Payment in Full of the Expenses Incurred by the Senate and House of Representatives in Attendance Upon the Inaugural Ceremonies at Washington, March Fourth, One Thousand Eight Hundred and Ninety-Seven."

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., July 29, 1897.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 1025, entitled "An act making an appropriation to Joseph Wyatt, sergeant at-arms of the House of Representatives, for the session of one thousand eight hundred and ninety-seven, for the payment

in full of the expenses incurred by the Senate and House of Representatives in attendance upon the inaugural ceremonies at Washington, March fourth, one thousand eight hundred and ninety seven.

Having stated my objections to legislation of this character in withholding my approval from House bill No. 1006, entitled "An act making an appropriation for the payment of the expenses incurred by the Legislature of Pennsylvania in attending the ceremonies connected with the unveiling of the monument at the tomb of General U. S. Grant, at New York, on April twenty-seventh, one thousand eight hundred and ninety-seven, and the Washington monument, at Philadelphia, on May fifteenth, one thousand eight hundred and ninety seven," I withhold my approval from the bill under consideration for the reasons therein stated.

DANIEL H. HASTINGS.

Veto of "An Act to Provide for the establishment of Bird Day in the Public Schools, and for the Proclaiming of the Same by the State Superintendent of Public Instruction."

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., July 30, 1897.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 455, entitled "An act to provide for the establishment of Bird Day in the public schools and for the proclaiming of same by the State Superintendent of Public Instruction."

This bill sets apart one day in each school year to be called "Bird Day," and, in the language of the act, it is made "the duty of all schools within the State to observe the occasion by exercises in the form of lectures upon birds, of readings from bird literature and the reading of essays containing results of the observations of birds by the pupils, the singing of songs about birds and the recounting of personal experiences with them, and, in general, such exercises as are adapted to make children acquainted with the relation of birds to the great scheme of things."

I am of the opinion that the children in our public schools will find more profitable employment in adhering to the established curriculum of studies, as is now required, than they would if the day were occupied in the reading of essays, or by the singing of songs about birds and recounting personal experiences with them.

The significance of such school holidays as Christmas, Washington's birthday, Lincoln's birthday, Fourth of July and Memorial Day would be detracted from by adding "Bird Day" for the purposes set forth in the above extract of the bill. I, therefore, withhold my approval.

DANIEL H. HASTINGS.

Veto of "An Act Supplementary to An Act, Approved April Twenty Nine, One Thousand Eight Hundred and Seventy-Four, Entitled 'An Act to Provide for the Incorporation and Regulation of Certain Corporations' Providing for the Purchase of the Franchises and Property of Certain Corporations by the Municipal Corporation or Corporations Within the Limits of Which Such Franchises are Exercised: And Providing, That Such Municipal Corporation Shall Not Itself Undertake or Perform Any Business or Purposes of Such Corporation Without First Acquiring Its Franchises and Property."

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., July 30, 1897.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 280, entitled "An act supplementary to an act approved April twenty-nine, one thousand eight hundred and seventy-four, entitled 'An act to provide for the incorporation and regulation of certain corporations,' providing for the purchase of the franchises and property of certain corporations by the municipal corporation or corporations within the limits of which such franchises are exercised. And providing that such municipal corporation shall not itself undertake or perform any business or purposes of such corporation without first acquiring its franchises and property."

The purpose of the bill is to prevent municipalities from engaging in the business of furnishing light for municipal purposes or to the people, in all cases where such municipality has, by ordinance, contract or otherwise, permitted any corporation organized under the act of 1874 to use or occupy its streets, lanes and al-

leys for the purpose of furnishing light. The proposition contained in the bill is, that if a corporation be created for the purpose of establishing an electric light plant in a certain city, and such corporation makes application to the municipal authorities for leave to occupy its streets with poles or conduits, and such leave is granted by ordinance or otherwise, the right of the municipality to light its own streets and furnish light to its own inhabitants is thereby forever forfeited, except upon the condition of either purchasing all existing light plants by contract or, upon failure to agree, to condemn the same and pay the value fixed therefor by viewers appointed for that purpose or by a jury on appeal. It is not necessary that the light company should have been invited by the municipality to invest its capital and occupy its streets, or that any contract on the part of the municipality for furnishing municipal lighting should have been made as an inducement to the investment, but the franchise or privilege of occupying the streets of the municipality, granted to the company, in most cases without compensation, is made by the bill, a reason for depriving the municipality of the municipal function of furnishing light. The General Assembly, at its session of 1895, passed a bill almost identical with the one now under consideration, from which I withheld my approval. Amongst the reasons I then gave for disapproving that measure was "that the important change in existing law contemplated by this bill is to require boroughs and cities to condemn existing electric light plants and pay for them as conditions precedent to furnishing light on the part of the municipality for its own use and the use of its inhabitants. No matter how inadequate, useless or undesirable the works of such a corporation may be to the municipality, it is required by this bill to make the purchase before it can exercise the power to light its own streets and to fur-

nish light to its citizens. Furthermore, this bill obliges the municipality, before it is permitted to light its streets and to furnish lights to its inhabitants, to condemn, not one electric light plant, but the several plants and works furnishing electric light in such districts in which such municipalities or boroughs propose to supply either public or private light."

I have listened with much interest to the able arguments made in favor of this bill, but I am not convinced, looking to the interests of all the people in all the cities and boroughs of the Commonwealth that it should receive Executive approval. I see no reason for departing from the position taken upon the bill of similar import, which failed to receive my approval at the session of 1895.

It has been argued by counsel, with great force and ability, that since 1895 the Supreme Court, in the case of *White v. The City of Meadville*, reported in 177 P. S. 643, has enunciated a doctrine that would require the approval of the bill now under consideration; but I do not so read that decision. The controversy in that case related to a water company organized under the act of 1874, and the municipality, having entered into a contract with the company for the supply of water for municipal purposes, permitted it to lay its pipes and establish its plant. The point upon which the case was decided was that, under the law as it existed in November, 1874, when the contract was made, the municipality had the right either to establish a plant and supply water or to make a contract with the water company so to do, and having elected to contract with the water company, the municipal function passed from the city and it could not subsequently erect and maintain water works to supply its citizens with water in the manner contemplated by the act of 1874.

While I feel it my duty in all cases to be bound by

judicial decision, I cannot regard the case referred to as having any application to the question now under consideration. I cannot agree to impose upon the municipalities of this Commonwealth the burden of paying by taxation for all the electric light plants that may be in operation in the municipalities respectively, as a condition precedent to the exercise of the function of municipal lighting. I therefore withhold my approval from this bill.

DANIEL H. HASTINGS.

Veto of "An Act to Provide Revenue by Imposing a Mercantile License Tax on Venders of or Dealers in Goods, Wares and Merchandise, and Providing for the Collection of Said Tax."

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., July 30, 1897.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 538, entitled "An act to provide revenue by imposing a mercantile tax on venders of or dealers in goods, wares and merchandise, and providing for the collection of said tax."

This bill provides that "from and after the passage of this act each vender of or dealer in goods, wares and merchandise shall be rated and pay annually for the use of the Commonwealth a mercantile license tax for each separate store or place of business," according to the classification in the bill. "Venders of or dealers in goods, wares and merchandise" are divided into thirty-seven classes. The first class consist of those merchants whose annual sales are more than one thousand

dollars and less than five thousand dollars, and the tax imposed upon merchants of this class is seven dollars. The second class consists of those whose sales amount to five thousand and are less than ten thousand dollars, and each member of the class is taxed ten dollars annually. Then follows the classification according to the volume of business until the thirty-seventh and last class is reached, where the annual sales amount to ten million dollars and over, each member of which is required to pay a tax of twelve thousand dollars per annum.

This being an important revenue measure, and coming to me as it does at a time when additional revenues are needed, would receive my approval were it not for the fact that, after the most careful consideration, I have reached the conclusion that the constitutionality of the proposed enactment is more than doubtful; that, if permitted to become a law, it would be unjust and unfair to a large class of our merchants, and that ultimately it would prove detrimental to the best interests of the Commonwealth.

The Constitution provides, article IX, section 1, that "All taxes shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax, and shall be levied and collected under general laws." By the terms of this bill the merchant whose sales are more than one thousand dollars and less than five thousand dollars annually pays seven dollars, and the merchant whose sales amount to anything less than ten thousand dollars pays a tax of ten dollars, while the merchant whose sales amount to ten million dollars or more pays twelve thousand dollars per annum. The want of uniformity is apparent from this statement. The thing taxed is the volume of sales. The small merchant who sells one thousand dollars worth of goods in a year pays seven dollars, or a seven mill tax, and the merchant who sells ten thousand dol-

lars worth a year pays ten dollars, or a one mill tax, while the merchant whose sales amount to ten million dollars per year, if he were taxed at the same rate as the merchant whose sales amount one thousand dollars per year, would be required to pay seventy thousand dollars instead of twelve thousand dollars, as fixed by the bill.

This inequality is found throughout the entire classification, and, inasmuch as the license tax has for its basis the volume of the sales, and that being the subject of the tax, I believe it to be in violation of that section of the Constitution above quoted. It is certainly not uniform upon "the same class of subjects." If it be said that each one of the thirty-seven classes has imposed upon it a uniform tax upon all merchants within its provisions, I think it still open to the objection that it is an arbitrary classification of a class, and that, as the burdens imposed upon the several classes lack uniformity and equality, it is still within the constitutional inhibition.

But the bill is subject to the further objection that no distinction is made between the wholesale merchant, who may do a large volume of business at a small profit, and the retail dealer who may do the same volume of business at a great profit, and it includes, too, within its provisions commission merchants, forwarders and others, the volume of whose business, in the nature of things, would be great but the margin of profit very small. The purchase and sale of grain, flour and provisions, largely for export by commission merchants, furnish a large part of the commerce at the ports of Philadelphia and Pittsburg, and it is a business that should be fostered and encouraged. The proposed tax is not a tax upon property nor upon profits, but on sales which may yield small profits or none at all.

For several years the business depression has been so great that almost every industry has struggled to

exist, and I am unwilling to impose further burdens upon these interests for the reasons that I have stated. I therefore withhold my approval from this bill.

DANIEL H. HASTINGS.

Veto of Part of "An Act Making an Appropriation to the Trustees of the State Asylum for the Chronic Insane."

APPROVED—THIS 26th DAY OF JULY, A. D. 1897, as to the first, third and fourth specific appropriations amounting to \$4,000.

This bill makes five specific appropriations as follows:

"First. For the removal of patients to and from the asylum, the sum of \$1,500.00; Second. For the payment of a deficiency in the appropriation approved the third day of July, Anno Domini one thousand eight hundred and ninety-five, for the erection and completion of building for day room with shops, the sum of \$1,382.34. Third. For the furnishing of a building for day rooms and work building, the sum of \$500.00. Fourth. For draining and improving grounds, hedges, trees, shrubbery, etc., the sum of \$2,000. Fifth. For the payment of architect's services for designing the laundry, dining room, kitchen, etc., the sum of \$562.00.

I approve the first, third and fourth specific appropriations and withhold my approval from the second and fifth specific appropriations. The second specific appropriation is intended to pay the sum of \$1,382.34, or so much thereof as may be necessary, for loss sustained by the contractors in performing a certain specific contract connected with the original construction of the said asylum. This is forbidden by section II, Arti-

cle III of the Constitution, which provides "that no bills shall be passed giving an extra compensation to any public officer, servant, employe, agent or contractor after services shall have been rendered or contract made, nor providing for any claims against the Commonwealth without previous authority by law."

I withhold my approval from the fifth specific item of appropriation, viz: "For the payment of architect's services for designing the interior of the laundry, dining room, kitchen, etc., the sum of five hundred and sixty-two dollars." The superintendent of the institution informs me that the trustees had settled with the architect, agreeing to pay and the architect to receive the sum of \$250 and the representatives of the institution requested a specific appropriation of \$250 to pay the said indebtedness, whereas the amount of this appropriation was raised from \$250 to \$562, without either the consent or knowledge of the managers of the said asylum.

DANIEL H. HASTINGS.

Veto of Part of "An Act Making an Appropriation to the Lehigh University."

APPROVED—THIS 26th DAY OF JULY, A. D. 1897, as to the first and second specific appropriations amounting to \$150,000, and disapproved as to the third and fourth specific appropriations amounting to \$50,000.

DANIEL H. HASTINGS.

This bill appropriates to the said University the following specific amounts:

"First. For maintenance, the sum of \$100,000:

Second. For general expenses, the sum of \$50,000;

Third. For general educational purposes, the sum of \$25,000, and

Fourth. For special maintenance of plant, the sum of \$25,000."

I withhold my approval of the third and fourth items, to wit:

For general education purposes, the sum of \$25,000, and for special maintenance of plant, the sum of \$25,000, and I hereby approve of the first and second specific appropriations, to wit: For maintenance, the sum of \$100,000; for general expenses, the sum of \$50,000.

By act of General Assembly, approved the 9th day of February, 1866, the Lehigh University, situate at South Bethlehem, in Northampton county, was incorporated. In 1865, the late Judge Asa Packer, a citizen of Pennsylvania, announced his intention of founding an institution of learning where young men could obtain a complete education in technical, literary and scientific branches, and the following year the act of incorporation enabled him to complete the organization of the new University. The University grounds cover nearly fifty acres in area, and, with the buildings, represent an outlay of one million two hundred and fifty thousand dollars, of which sum Judge Packer gave, during his lifetime, six hundred thousand dollars. In addition, he gave at different periods up to the time of his death, which occurred in 1879, over two hundred and fifty thousand dollars for the current running expenses. By his will he left an endowment in Lehigh Valley Railroad stock of one million five hundred thousand dollars for the University, and a special endowment of four hundred thousand dollars for its library, having previously erected a library building at a cost of over one hundred thousand dollars.

While all the departments of a regular college course are represented in the University, it has been pre-eminently a polytechnical school of the highest grade.

Its technical departments comprise civil engineering, mechanical engineering, mining engineering, electrical engineering, metallurgy, chemistry and architecture. The original purpose of the institution was to provide technical instruction of the highest order, free of cost to young men of the State, but from the beginning so high a standard was maintained that young men of other states came knocking at its doors for admission, and while Judge Packer, who had amassed a fortune in developing the mining and material interests in the Lehigh Valley, had determined that he would return to the State which had afforded him the opportunity to amass his wealth, a large portion of his fortune for the education of her young men, he felt that the scope of the work should not be confined to the youth of his own State, and it was accordingly thrown open to all deserving young men. Of all the students who have attended the University, I am informed fifty-three per centum have been Pennsylvanians. More than two thousand students have attended the University and all of them excepting sixty have had tuition free. The latter number in the last two years were required to pay a moderate charge each to assist in defraying the expenses of the institution. It has been the desire of the management to carry out the wish of the founder that no student of good character and scholarship should be unable to obtain a collegiate education in consequence of his inability to pay tuition. For twenty-six years the Packer endowment was amply sufficient to meet the current expenses of the institution. During the last four years by reason of the Lehigh Valley Railroad stock, which constitutes the endowment, failing to pay dividends, the income of the University has been entirely cut off. The trustees and friends of the University, however, with confidence that the embarrassment is only temporary, raised from their own private funds, a sufficient sum of money to continue

the work. It has been made clear to me that the financial embarrassment of the University is merely temporary, and its managers have come before the General Assembly asking an appropriation of \$200,000 to bridge over their temporary difficulties. The Lehigh University has been and is a part of the free educational establishment of the State. Its work has been of the best quality. Its graduates are found in every department of scientific energy in this, and in other states, and in fact in many other countries. It has enabled more than a thousand poor young Pennsylvanians to qualify themselves, free of cost, for those professions which tend to develop the great industries and energies of the Commonwealth and has done the same thing for an equal number of poor young men of other states.

After almost a generation of successful philanthropic work this call for temporary aid appeals alike to the sympathy and patriotism of our people, and for these reasons I have been constrained to withhold Executive approval from only one-fourth of the sum appropriated by the General Assembly.

DANIEL H. HASTINGS.

Veto of Part of "An Act Making an Appropriation for the Payment of the Expenses of the Joint Committee, Appointed by the Senate and House of Representatives, to Investigate the Management Generally of the Workings of the Office of Dairy and Food Commissioner of this Commonwealth."

APPROVED—JULY 29, 1897, EXCEPT AS TO the following items:

DANIEL H. HASTINGS.

Items making appropriation to the following members of the committee are disapproved:

1. "To William Teas, for sleeping berths, parlor and dining car charges, telegrams, telephone messages, preparing reports, clerk hire, personal expenses, etc., four hundred and ninety-seven dollars and sixty cents (\$497.60).

2. To Fred W. Turner for the same purposes the sum of five hundred and ninety-three dollars (\$593.00);

3. To James Schofield for the same purpose the sum of five hundred and ninety-four dollars (\$594.00):

4. To John J. Coyle for the same purposes the sum of three hundred and fifty dollars (\$350.00);

5. To Walter T. Merrick for the same purposes the sum of three hundred and fifty dollars (\$350.00);

6. Also the item which reads as follows: 'For mileage of the sergeant-at-arms in attending the committee meeting, two thousand five hundred miles, the sum of five hundred dollars (\$500), or so much thereof as may be necessary.' "

This last mentioned item is disapproved for the reasons fully set forth in my disapproval of certain items of Senate bill No. 626, entitled "An act making an appropriation for the payment of the expenses incurred by the joint committee of the Senate and House of Representatives, appointed to investigate the different systems of management and of the confinement of prisoners in the two penal institutions of the State, known as the Eastern and Western Penitentiaries.

Inasmuch as there appeared to be appropriated by the bill certain sums for committee expenses, sleeping car berths, hotel bills, &c., in addition to the appropriation to the members as above stated, I felt it incumbent upon me to learn, if possible, for what reason or upon what ground the above appropriations were made to members of the committee, and accord-

ingly I addressed a communication to each of the members, and learned from the replies of three of them that their items included mileage at the rate of twenty cents a mile for the distance traveled in making the investigation, and that nearly the entire amount appropriated to each consisted of mileage at that rate.

As to the two members of the committee who make no reply I feel justified in inferring, from the similarity of the amounts appropriated to them, and the fact that they failed to make reply to my request, that their items are of the same character and made up in the same manner. At all events, no evidence is furnished me by which I can find that the appropriations would be proper.

It has been the practice for many years to allow mileage to members of committees of the General Assembly, and, in withholding my approval from these items and similar items appearing in other bills, I deem it proper to state that no reflection upon the character of the members can be fairly implied because of these appropriations. A careful investigation of the whole subject, however, leads me to the conclusion that, not only is there no act of Assembly authorizing such payments, but that it is clearly forbidden by the fundamental law.

Article II, section 8, of the Constitution is as follows:

“The members of the General Assembly shall receive such salary and mileage for regular and special sessions as shall be fixed by law, and no other compensation whatever, whether for service upon committee or otherwise. No member of either House, shall during the term for which he may have been elected, receive any increase of salary or mileage, under any law passed during such term.”

Immediately after the adoption of the Constitution of 1874 an act of Assembly was passed providing for

compensation of members of the General Assembly, and as amended by the act of 7th July, 1885, reads as follows:

"The compensation of members of the General Assembly shall be fifteen hundred dollars for the regular biennial session and mileage to and from their homes at the rate of twenty cents per mile, to be computed by the ordinary mail route between their homes and the capital of the State, and five hundred dollars and mileage, as aforesaid, for each special or extraordinary session."

The only mileage to which a member of the General Assembly appears to be entitled is that provided in the act of Assembly above quoted. He is distinctly forbidden to receive any "other compensation whatever, whether for service upon committee or otherwise." Should these items receive Executive approval, compensation would be given for service upon committee under the guise of "mileage," in addition to the salary and mileage provided by law.

Two members of the committee render bills smaller in amount, shown to me to be actual cash disbursements for necessary expenses in the conduct of the investigation with which they were charged by the General Assembly, and I have therefore approved them with other unobjectionable items. In the consideration of this bill and others of similar character I have, in all cases, withheld my approval from all items except such as I had reason to believe represented necessary and actual disbursements for expenses incurred.

In each of the foregoing items, disapproved, and included in the sum appropriated, is the work of "preparing reports." The amount considered by a member of a committee as a proper charge for preparing reports is not given, but it appears to form a part of each sum appropriated. Under the law, as already

shown, a member of a committee is not entitled to any sum whatever for the work of preparing the report of his committee, and to allow compensation therefore would be in plain violation of the provision of the Constitution above quoted.

DANIEL H. HASTINGS.

Veto of Part of "An Act Making an Appropriation for the Payment of the Expenses Incurred by the Joint Committee of the Senate and House of Representatives, to Investigate and Report to the General Assembly the Result of their Investigation, the Conditions Existing in the Anthracite Coal Regions."

APROVED—JULY 29, 1897, EXCEPT AS TO THE following items:

DANIEL H. HASTINGS.

Items making appropriation to the following members of the committee are disapproved:

1. "To W. B. Meredith, for car fare, sleeping berths, telegraph and telephone services, personal expenses of preparing report, the sum of five hundred and forty-two dollars and thirty cents (\$542.30) or so much thereof as may be necessary."

2. "To H. W. Haines, for car fare, sleeping berths, telegraph and telephone service and personal expenses, two hundred and seventeen dollars and thirty cents (\$217.30)."

3. "To Jacob Roberts, Jr., for car fare, sleeping berths, telegraph and telephone services, and personal expenses, the sum of two hundred and thirty-two dollars and thirty cents (\$232.30)."

4. "To H. T. Dunlap, for car fare, sleeping berths, telegraph and telephone services and personal expenses, the sum of two hundred and thirty-two dollars and thirty cents (232.30)."

5. "To J. C. Campbell, for car fare, sleeping berths, telegraph and telephone services and personal expenses, the sum of one hundred and seventy-seven dollars and thirty cents (\$177.30)."

The foregoing five items could only receive my approval if the members were entitled to mileage and compensation for preparing the report of the committee. Such claims not being warranted by law, I disapprove the same for the reasons set forth in my objections to Senate bill No. 631, filed with the Secretary of the Commonwealth.

In this bill appears an item appropriating to the sergeant-at-arms one thousand two hundred and eighty-five dollars and twenty cents (\$1,285.20), which I have approved, although the bill, as rendered by the sergeant-at-arms, contains an item of three thousand five hundred and forty-six (3,546) miles traveled in attendance upon committee at twenty cents a mile. My reason for approving this bill, notwithstanding it contains said items, is because of the fact that the General Assembly in making the appropriation reduced the bill from one thousand nine hundred and eighty-five dollars and twenty cents (\$1,985.20), as rendered, to the aforesaid sum of one thousand two hundred and eighty-five dollars and twenty cents (\$1,285.20), the reduction representing practically the amount of the objectionable part of the item.

The bill also contains an item for stenographer's charges amounting to fifteen hundred dollars (\$1,500), which I approve with some hesitation, notwithstanding the fact that the stenographer's bill as originally rendered to the committee, amounted to three thousand and forty-four dollars and five cents (\$3,044.05), and

was reduced by the General Assembly to the above sum of fifteen hundred dollars (\$1,500). The fees charged by stenographers in this and in other bills, which I have had under consideration, have seemed to me, in almost every instance, to be excessive in amount and they have received the most careful scrutiny. Inasmuch as there appears to be no legislation fixing the fees of stenographers for services to legislative committees, the fees and mileage of witnesses, and the fees and mileage of the sergeant-at-arms in performing service for committees, I earnestly recommend that an act of Assembly be passed governing all these subjects. Common justice to all concerned demands it, and such legislation is necessary for the guidance of the Executive when called upon to approve bills of this character.

DANIEL H. HASTINGS.

Veto of Part of "An Act Making an Appropriation for the Payment of the Expenses Incurred by the Joint Committee of the Senate and House of Representatives, Appointed to Investigate the Different Systems of Management and of the Confinement of Prisoners in the Two Penal Institutions of the State Known as the Eastern and Western Penitentiaries."

APPROVED—JULY 29, 1897, EXCEPT AS TO the following items:

DANIEL H. HASTINGS.

The items making appropriations to the following members of the committee are disapproved:

1. "To A. G. Seyfert, for sleeping berths, dining car service, telegraph and telephone services and personal

expenses, the sum of two hundred and forty-four dollars (\$244), or so much thereof as may be necessary."

2. "To H. D. Heller, for sleeping berths, dining car service, telegraph and telephone services and personal expenses, the sum of two hundred and two dollars (\$202), or so much thereof as may be necessary."

3. "To Ellwood Becker, for sleeping berths, dining car service, telegraph and telephone services and personal expenses, the sum of one hundred and sixty dollars and eighty cents (\$160.80), or so much thereof as may be necessary."

4. "To J. C. Vaughan, for sleeping berths, dining car service, telegraph and telephone services and personal expenses, the sum of two hundred and two dollars and sixty cents (\$202.60), or so much thereof as may be necessary."

5. "To John R. Farr, for sleeping berths, dining car service, telegraph and telephone services and personal expenses, the sum of two hundred and one dollars and sixty-five cents (\$201.65), or so much thereof as may be necessary."

6. "To C. K. Bolles, for sleeping berths, dining car service, telegraph and telephone services and personal expenses, the sum of two hundred and one dollars and forty cents (\$201.40), or so much thereof as may be necessary."

7. "To James B. Coryell, for sleeping berths, dining car service, telegraph and telephone services and personal expenses, the sum of two hundred dollars (\$200.00), or so much thereof as may be necessary."

8. "To Cyrus J. Rhode, for sleeping berths, dining car service, telegraph and telephone services and personal expenses, the sum of two hundred dollars (\$200.00), or so much thereof as may be necessary."

Also the item "for services or expenses necessarily incurred by the sergeant-at-arms in serving subpoenas, mileage in serving subpoenas, attendance upon com-

mittee, including payment of fees and mileage to witnesses appearing before the committee, the sum of one thousand five hundred and two dollars and eighty cents (\$1,502.80), or so much thereof as may be necessary.

The first of the foregoing items, being an appropriation to the chairman of the committee, I have no doubt represents in part actual expenses paid, for which he should be reimbursed, but it includes also eighty dollars (\$80.00) according to his own statement, that he believes to be necessary for traveling expenses in the future in calling upon the various members of the committee in case the bill is approved, to make payment of the sums appropriated to them. This renders the item objectionable, and, as I am powerless to approve part, I am obliged to disapprove the whole.

From letters from and interviews with several of the members of the committee, I learn that nearly the whole of each of the remaining items appropriated to members of the committee consists of mileage to which I have no doubt the members believed themselves to be entitled, but this being without authority of law, as I have shown in my objections to Senate bill No. 631, these items are disapproved.

The item of one thousand five hundred and two dollars and eighty cents (\$1,502.80) appropriated to the sergeant-at-arms, and above referred to, as originally presented to the General Assembly, was one thousand eight hundred and two dollars and eighty cents (\$1,802.80) which was reduced before final passage to one thousand five hundred and two dollars and eighty cents (\$1,502.80); but I am of the opinion that it is still excessive and ought not to be allowed.

In the statement furnished by the sergeant-at-arms, appears an item of eight hundred and two dollars (\$802.00) for "four thousand and ten (4,010) miles traveled in attendance upon the committee at twenty cents

per mile." Such a charge is not justified by any act of Assembly applicable to this case, or, by analogy, to any other statute, so far as I am aware, allowing mileage for similar service. It is not alleged that it is to cover any disbursement made on behalf of the committee or for any expenses entailed by the investigation. Neither is it a payment made to any deputy or assistant sergenat-at-arms. This charge, in my judgment, make it necessary to disapprove the entire item of one thousand five hundred and two dollars and eighty cents (\$1,502.80) and it is therefore disapproved.

DANIEL H. HASTINGS.

Veto of Part of "An Act Making an Appropriation to Pay the Expenses Incurred by the Joint Committee of the House and Senate, Appointed to Investigate and Report to the General Assembly the Result of their Investigation of the Industrial Condition and Alleged Deplorable State of the Miners of the Bituminous Coal Region, Comprising what is Commonly Known as the Pittsburg District of Pennsylvania, Also the Clearfield and Cambria Counties; and to Inquire into the High Rate of Tolls Charged by the Monongahela Navigation Company, and to Inquire into the Conditions of Coal Shipments, in Connection with said toll charges on the Monongahela River, During the Session of One Thousand Eight Hundred and Ninety-Seven."

APPROVED—JULY 29, 1897, EXCEPT AS TO the following items:

DANIEL H. HASTINGS.

Items making appropriation to the following members of the committee are disapproved:

1. "To Henry D. Saylor, for car fare, sleeping berths, telegrams and telephone messages, personal expenses, expenses of preparing reports, clerk hire, etc., the sum of seven hundred and fifty-six dollars and one cent (\$756.01), or so much thereof as may be necessary."

2. "To Alfred W. Milleisen, for car fare, sleeping berths, telephone messages and personal expenses, etc., the sum of five hundred and fifty-nine dollars (\$559.00), or so much thereof as may be necessary."

Having no information as to the character of the two items of appropriation above mentioned, and observing that the same bill appropriates considerable sums for hotel bills, expenses of the sergeant at-arms, stenographer, &c., I called upon the members of the committee for information regarding the several items of the bill. From one of the above named members I received a communication in writing, in which there appear:

(a) "Car fare, 6,567 miles, at three cents per mile;"

(b) "Personal expenses, including \$4.15 for telephone messages, and \$1.50 for telegrams; also including sleeping berths, \$258.21, and

(c) "Preparation of reports, including Monongahela river reports, clerk hire, type-writing, &c., incidental to the same."

The other member of the committee, the appropriation to whom is disapproved, made no report whatever, and I am therefore not advised as to its character.

In view of the fact, however, that the cost of hotel bills, sergenat-at-arms expenses and stenographer's fees are provided for by separate items in the bill, it is not unreasonable to assume that it also includes mileage. But whether it does or not, I am supplied with no information concerning its character, and I therefore cannot approve it. The reasons for withholding my approval from these two items are more fully set forth

in giving my objections to Senate bill No. 631, filed in the office of the Secretary of the Commonwealth.

This bill also includes an item to the sergeant-at-arms, which I have approved, in which appears from his account rendered to the committee, an item for mileage at twenty cents per mile, and which would have been disapproved except for the fact that the General Assembly so reduced the bill as to give the sergeant-at-arms less than ten cents a mile, and I therefore felt constrained to approve it, believing that that amount may have been necessary to cover actual expenses.

The item appropriated for stenographer's services is at the rate allowed for similar services in court proceedings and it therefore has my approval.

DANIEL H. HASTING.

Veto of Part of "An Act Making an Appropriation to Pay Expenses of the Members of Committee, Hotel Bill, Stenographer, Et Cetera, in the Contested Election Case of Saunders versus Roberts, in the Third Legislative District in the City of Philadelphia, During the Session of One Thousand Eight Hundred and Ninety-Seven."

APPROVED—JULY 29, 1897, EXCEPT AS TO the following itmes:

DANIEL H. HASTINGS.

The items making appropriation to the following members of the committee are disapproved:

1. "To P. M. Lytle, extra car fare, carriage hire, telegrams, etc., the sum of two hundred and ninety-four dollars (\$294.00;)"

2. "To Charles W. Hermann, extra car fare, carriage hire, telegrams, etc., the sum of three hundred and four dollars (\$304);"

3. "To J. S. Wilson, extra car fare, carriage hire, telegrams, etc., the sum of two hundred and ninety-four dollars (\$294);"

4. "To Clark T. Baldwin, extra car fare, carriage hire, telegrams, etc., the sum of two hundred and ninety-four dollars (\$294);"

5. "To George Sterr, Jr., extra car fare, carriage hire, telegrams, etc., the sum of two hundred and ninety dollars (\$290);"

6. "To C. M. Kerr, extra car fare, carriage hire, telegrams, etc., the sum of two hundred and ninety-four (\$294);"

7. "To Seth Orme, extra car fare, carriage hire, telegrams, etc., the sum of three hundred and thirty-six dollars (\$336);"

8. "To D. M. Pry, extra car fare, the sum of forty-two dollars (\$42);"

9. "To J. C. French, extra car fare, carriage hire, telegrams and extraordinary and incidental expenses, the sum of three hundred and fourteen dollars (\$314)."

Having made inquiry of all the members of the committee as to the character of the charges, I received replies from all or nearly all of them, and learned that almost the entire amount appropriated in each instance was for mileage charged by them as members of the committee.

One member, under date of July 26, 1897, in reply to my inquiry, says amongst other things: "I desire to say that the item is based on a claim of mileage at twenty cents per mile for eight trips from Harrisburg to Philadelphia."

Another member of the committee writes on the same date: "I beg to say that the amount includes

items for extra mileage, livery hire, boarding, extra postage, telegrams, etc."

Another member in reply to my inquires, says: "I never presented any bill to the committee. Suppose they made the item in my favor on the basis of mileage which some committees have been in the custom of receiving from the State."

For these reasons, and for additional reasons more fully set forth in my objections to Senate bill No. 631, entitled "An act making appropriation for the payment of the expenses of the joint committee appointed by the Senate and House of Representatives to investigate the management generally of the workings of the office of Dairy and Food Commissioner of this Commonwealth," the items are disapproved; but in withholding my approval, I deem it only fair to say that the appropriation made to the different members of the committee were made upon what I believe to have been the honest assumption that they were legally entitled to mileage.

DANIEL H. HASTINGS.

Veto of Part of "An Act Making an Appropriation to Pay the Expenses of the Members of Committee. Hotel Bill, Stenographer, Printing and Filing Petition, Et Cetera, in the Contested Election Case of Shiffer versus Leh, in the Legislative District of Northampton County, During the Session of One Thousand Eight Hundred and Ninety-Seven."

APPROVED—JULY 29, 1897, EXCEPT AS TO the following items:

DANIEL H. HASTINGS.

The items making appropriations to the following members of the committee are disapproved.

1. "To John C. French, extra car fare, carriage hire, telegraphing, et cetera, one hundred and seventy-two dollars and eighty cents (\$172.80):"

2. "To William Teas, extra car fare, carriage hire, telegraphing, etc., one hundred and seventy-two dollars and eighty cents (\$172.80);"

3. "To B. W. Jennings, extra car fare, carriage hire, telegraphing, etc., one hundred and seventy-two dollars and eighty cents (\$172.80);"

4. "To Alvin J. Kern, extra car fare, carriage hire, telegraphing, etc., one hundred and seventy-two dollars and eighty cents (\$172.80);"

5. "To J. H. Marshall, extra car fare, carriage hire, telegraphing, etc., one hundred and thirty-nine dollars and sixty cents (\$139.60);"

6. To John Mong, extra car fare, carriage hire, telegraphing, etc., one hundred and thirty nine dollars and sixty cents (\$139.60);"

7. "To Franklin Reed, extra car fare, carriage hire, telegraphing, etc., one hundred and thirty-nine dollars and sixty cents (\$139.60);"

The above appropriations are made to members of the committee and all or nearly all have advised me that almost the whole of each item represents mileage at twenty cents a mile. For the reasons more fully set forth in my objections filed with Senate bill No. 631, the foregoing items are disapproved.

DANIEL H. HASTINGS.

Veto of Part of "An Act Making an Appropriation to the Trustees of the University of Pennsylvania."

APPROVED—JULY 29, 1897. EXCEPT AS TO the following specific items:

"For general educational purposes of the University, the sum of fifty thousand dollars, or so much thereof as may be necessary."

DANIEL H. HASTINGS.

This bill makes four specific appropriations, to wit:

First. "For the purpose of maintenance of patients treated in the Hospital Departments of the University, including the maternity hospital, the sum of \$50,000, or so much thereof as may be necessary."

Second. "For the general maintenance of the University, the sum of \$100,000, or so much thereof as may be necessary."

Third. "For the general expenses of the University, the sum of \$50,000, or so much thereof as may be necessary."

Fourth. "For general educational purposes of the University, the sum of \$50,000, or so much thereof as may be necessary."

The bill is approved as to the first three items, amounting to \$200,000, and my approval is withheld from the last item, amounting to \$50,000.

The University of Pennsylvania was founded before the Revolutionary war and from the beginning has been among the most valuable institutions of higher learning in the country. It was founded by Benjamin Franklin and its charter was received from Thomas and Richard Penn in 1753, who granted "to the trustees of the college, Academy and Charitable Schools of Philadelphia, the right to hold property for educational purposes." From that day to the present its career has been one of steady growth and development until it now ranks among the foremost Universities of this country. The purpose of its founders was to establish a University in Pennsylvania, where the highest education in every department of learning might be obtained free by the young men of the State. The

Governors of the province and of the Commonwealth have been from the beginning ex-officio, during their several terms, the president of its boards of trustees. A wise and liberal system of free scholarships has enabled deserving young men to acquire an education without cost to themselves. From its beginning it has provided for free tuition, and such scholarships, with the exception of two which belonged originally to the Penn family and afterwards vested in the Governor of the Commonwealth, have been awarded as occasion demanded. This great institution has made Philadelphia the centre of medical skill and learning. The first degrees in medicine were granted as early as June, 1768, and those who received those degrees were the first graduates in medicine in America. The University has established departments of law, chemistry, mineralogy, geology and mining, civil and mechanical engineering, architecture, music, dentistry, philosophy, pedagogy, veterinary medicine, and it has the Wharton School of Science and the Towne Scientific School. By the wise organization of this institution, all of its fine equipment is brought into direct relation with the common school system of the State and makes it deserving alike with the common schools of such assistance as the State can afford to render. The State, which appropriates more than \$6,000,000 annually to common schools, normal schools and general education should be wise enough and liberal enough to well provide for such institutions as the University of Pennsylvania, the State College and the Western University which have heretofore received State aid, and where poor and deserving young men can have free education of the highest character. While the University of Pennsylvania has been liberally endowed by the citizens of the Commonwealth, its recent growth has been such that its fixed income is inadequate to its present requirements and it is so conspicuously a part of the

great educational establishment of the State, that there can be no hesitation in saying the State can hardly render itself a better service than to lend it a willing and helping hand on all proper occasions. It has not done this to the extent that would have been warranted in the past, but it should be a part of the settled policy of the Commonwealth for the future. I should have been glad to have approved the entire amount of the appropriation at this time had the condition of the public finances been such as to justify it.

DANIEL H. HASTINGS.

Veto of Part of "An Act Making an Appropriation to Pay the Expenses Incurred by the Joint Committee of the House and Senate, Appointed to Investigate and Report the Same to the General Assembly, to Inquire Into the Rumor and Charges in Circulation Among the Members of the State Legislature that Fifty Thousand Dollars was Demanded of the Metropolitan Life Insurance Company of New York City to Defeat the Bill Introduced by Senator McQuown which Prohibits the Insuring of Children Under Fifteen Years of Age, and to Ascertain the Source and Truth Thereof, or Any Part Affecting the Integrity of Any of the Members of the Legislature During the Session of One Thousand Eight Hundred and Ninety-Seven."

APPROVED—JULY 29, 1897, EXCEPT AS TO the following itmes:

DANIEL H. HASTINGS.

1. "To the sergeant-at-arms for serving subpoenas on thirteen witnesses and leaving copies of the same

and mileage covered in serving said subpoenas, the sum of two hundred and ninety-eight dollars and forty cents (\$298.40);”

2. “To hotel expenses, the sum of sixty-nine dollars and ninety cents (\$69.90);”

3. “To payment of stenographer for services rendered, the sum of three hundred and sixty-five dollars and ten cents (\$365.10);”

The investigation for which these appropriations are made was conducted in the city of Harrisburg. A claim of the sergeant-at-arms for traveling two thousand eight hundred and sixty-four (2,864) miles, made up of four trips to New York and one trip to Oil City, for which he charges two hundred and eighty-six dollars and forty cents (\$286.40), in addition to his charges for serving subpoenas, telegrams, carriage hire, &c., I regard as excessive, and I believe the same thing to be true of the item of sixty-nine dollars and ninety cents (\$69.90) for hotel expenses. I therefore disapprove of both.

According to the stenographer's report, now before me, six days or parts of days were occupied in his service upon the committee. The testimony taken amounted to 270 folios, or about ninety type-written pages. The sum appropriated for his service is three hundred and sixty-five dollars and ten cents (\$365.10). This amount I believe to be greatly in excess of what it should be and I therefore disapprove it.

DANIEL H. HASTINGS.

Veto of Part of "An Act Making an Appropriation to Joseph Wyatt, Sergeant-at-Arms of the House of Representatives, Session of One Thousand Eight Hundred and Ninety-Seven, for Services Rendered by Him to the Elections Committee in the Contested Election Case of Shiffer versus Leh."

APPROVED—JULY 29, 1897, EXCEPT AS TO the following itmes:

DANIEL H. HASTINGS.

"To mileage covered in attending committee, one thousand three hundred and twenty (1,320) miles, the sum of two hundred and sixty-four dollars (\$264.00)."

This item is disapproved, being a charge for mileage at twenty cents a mile for attendance upon the committee by the sergeant-at-arms, for the reasons more fully set forth in my objections filed with Senate bill No. 626, entitled "An act making appropriation for the payment of expenses incurred by the joint committee of the Senate and House of Representatives, appointed to investigate the different systems of management and of the confinement of prisoners in the two penal institutions of the State, known as the Eastern and Western Penitentiaries."

DANIEL H. HASTINGS.

Veto of Part of "An Act Making an Appropriation to Joseph Wyatt, Sergeant-at-Arms of the House of Representatives, Session of One Thousand Eight Hundred and Ninety-Seven, for Services Rendered by Him to the Elections Committee in the Contested Election, in the Case of Saunders versus Roberts."

APPROVED—JULY 29, 1897, EXCEPT AS TO the following itmes:

DANIEL H. HASTINGS.

1. "To mileage covered in attendance upon committee, one thousand six hundred and eighty miles, the sum of three hundred and thirty-six dollars (\$336);"

2. "To printing of subpoenas and subpoena cards, the sum of fifty dollars (\$50.00)."

The first item is an appropriation for mileage to the sergeant-at-arms for attendance upon the committee, for which he is allowed twenty cents per mile for one thousand six hundred and eighty miles, amounting to three hundred and thirty-six (\$336.00) dollars, and is disapproved for the reasons more fully set forth in my objections to Senate bill No. 626, entitled "An act making an appropriation for the payment of the expenses incurred by the joint committee of the Senate and House of Representatives, appointed to investigate the different systems of management and of the confinement of prisoners in the two penal institutions of the State, known as the Eastern and Western Penitentiaries."

The second item, by which fifty dollars (\$50.00) is appropriated for printing subpoenas and subpoena cards, I regard as excessive on its face, and my approval is therefore withheld.

DANIEL H. HASTINGS.

Veto of Part of "An Act to Provide for the Ordinary Expenses of the Executive, Judicial and Legislative Departments of the Commonwealth, Interest on the Public Debt, and for the Support of the Public Schools for the Two Fiscal Years Beginning June First, One Thousand Eight Hundred and Ninety-Seven, and for the Payment of Bills Incurred and Remaining Unpaid at the Close of the Fiscal Year Ending May Thirty-First, One Thousand Eight Hundred and Ninety-Seven."

APPROVED—THIS 30th DAY OF JULY, A. D. 1897, except as to the following items:

DANIEL H. HASTINGS.

State Department.

The item is section two which provides as follows:

"For the payment of the salary of the night watchman, two years, the sum of one thousand eight hundred dollars, or so much thereof as may be necessary."

This item is disapproved because it appears twice among the appropriations to the State Department, evidently by mistake.

Attorney General's Department.

The item in section two which provides as follows:

"For the payment of the Attorney General for services as a member of the Board of Public Accounts, two years, the sum of one thousand two hundred dollars, or so much thereof as may be necessary."

This item is disapproved at the request of the Attorney General. The same having been inserted without his knowledge.

Department of Internal Affairs.

The item in section two which provides as follows:

"For the payment of the salary of the Superinten-

dent of the Bureau of Railways, a position created by the act of one thousand eight hundred and ninety-five, and for which no appropriation was then made, one thousand dollars for each of the two years ending June first, one thousand eight hundred and ninety-seven," and the following item in the said section, which provides as follows: "For the payment of the salary of the Superintendent of the Bureau of Railways, one thousand dollars for each of the two years ending June first, one thousand eight hundred and ninety-nine."

These items are disapproved. The first item appropriates a salary of one thousand dollars to the Superintendent of the Bureau of Railways for the year 1895, and also for the year 1896. This increase of salary is sought to be made for services already rendered and the increase for the years 1897 and 1898 is without warrant or authority of law, because there is no act of Assembly authorizing such appropriation. By act of Assembly approved 18th of April, 1895, the Deputy Secretary of Internal Affairs is required to act in the capacity of Superintendent of the Bureau of Railways of said department, and his salary is fixed at \$3,000 per annum. Prior to that time the salary of the Deputy Secretary of Internal Affairs was \$2,300 per year, by virtue of an act of Assembly approved May 2d, 1887, which act increased the salary from \$1,800 to \$2,300. The act of 1895 imposing the duties of Superintendent of the Bureau of Railways upon the Deputy Secretary of Internal Affairs, increased the annual salary \$700, presumably because of the added duties.

Public Grounds and Buildings.

The item in section two which provides as follows:

"For the payment of the salary of two elevator men (each nine hundred dollars per annum), two years, the

sum of three thousand six hundred dollars, or so much thereof as may be necessary."

Some doubt exists as to the power of the Executive to approve part of one item of an appropriation bill. The item under consideration appropriates \$900 per annum to each of the two elevator men. Inasmuch as the burning of the State Capitol building has left but one elevator in the public buildings there is necessity for but one elevator man. I, therefore, withhold my approval of the appropriation of the salary of \$900 per annum to one elevator man.

Harbor Officers, Philadelphia.

The item in section two which provides as follows:

"For the construction of a new quarantine boat to be built of iron or steel and to contain sleeping rooms and accommodations for the crew and fire extinguishing apparatus adequate for the protection of the property of the quarantine station, and to be so built that it may hereafter be equipped with disinfecting apparatus, the sum of twenty-five thousand dollars, or so much thereof as may be necessary."

This item is disapproved because, in my judgment, the necessity does not at present exist for the expenditure of such a large sum of money for a quarantine boat.

Superior Court.

The item in section three which provides as follows:

"For the payment of William K. Taylor, crier, and John T. Comly, Samuel Collins and Daniel Ahern, tipstaves, for services rendered during the year ending May thirty-first, one thousand eight hundred and ninety-seven, the sum of three thousand dollars, or so much thereof as may be necessary."

This item is disapproved because the General Assem-

bly of 1895 made appropriation for the payment of the crier and tipstaves of the Superior Court up to May 31st, 1897. These officers accepted the compensation and performed their duties at the salary provided by law. The approval of this item would be paying them for services already performed under contract made previous to their entering upon their duties.

Legislative Department.

Senate.

The item in section four which provides as follows:

“For the payment of the salaries of the officers and employes of the Senate (except librarian, watchman and pages), the sum of fifty-four thousand nine hundred and seventy-six dollars, or so much thereof as may be necessary.” •

The salaries of the officers and employes of the Senate are fixed by law and the amount to be appropriated by the General Assembly is controlled by previous legislation, and cannot be changed except with the approval of the Executive. The appropriation contained in this item is for the payment of the salaries of the officers and employes of the Senate, the sum of fifty-four thousand nine hundred and seventy-six dollars (\$54,976.00). I have been furnished by the State Treasurer with a detailed statement containing the names of all these officers and employes, with their compensation and mileage authorized by law, and I find the amount to be forty-seven thousand seven hundred and ten dollars (\$47,710.00), or seven thousand two hundred and sixty-six dollars (\$7,266.00) less than the sum appropriated. This difference represents the amount appropriated for such officers and employes as are not authorized by law, and to that extent this would be an unlawful appropriation of the public funds.

The Constitution authorizes the Executive to disapprove any item in an appropriation bill, and I am con-

fronted with the question whether the officers and employes who are in the aggregate entitled to the sum of forty-seven thousand seven hundred and ten dollars (\$47,710.00) are to be deprived of what the law gives them because of the fact that the item contains the sum of seven thousand two hundred and sixty-six dollars (\$7,266.00) for persons not legally entitled to receive compensation. To disapprove the item would work great injustice to those entitled to their salaries, and still greater injustice to the State Treasurer, who has already paid the officers and employes the salaries to which they were legally entitled.

Section 10, Article III, of the Constitution provides that "The General Assembly shall prescribe by law the number, duties and compensation of the officers and employes of each House, and no payment shall be made from the State Treasury, or be in any way authorized, to any person except to an acting officer or employe elected or appointed in pursuance of law."

This section provides in express language that "no payment shall be made from the State Treasury * * * except to an acting officer or employe elected or appointed in pursuance of law," but there is a clear implication that the State Treasurer may pay such officers and employes as have been provided for by law and their compensation fixed. This the State Treasurer has done and I think was clearly authorized so to do. The Senate and House of Representatives, without Executive approval, possess no power to appropriate, as compensation to their officers and employes, any sum of money not authorized by statute, and to the extent, therefore, that the appropriation exceeds the legal salaries and compensation of the officers and employes of the Senate it is illegal and cannot receive my approval.

My predecessor in office, in considering the General

Appropriation bill in 1885, wherein a similar item appeared amongst other things said:

"The sum named is in excess of such salaries as are fixed by law. I approve of the item for salaries and disapprove of the excess of appropriation above the salaries."

The question as to executive power is not free from difficulty, but I am of opinion that, because the legislation now upon the statute books limits the power of the General Assembly to the appropriation of only so much as is authorized, and requires such appropriation, the General Assembly and the Executive are bound by the provisions of the statutes and that their powers and mine must be controlled thereby. As to the amount in excess of the legal salaries of the officers and employes, it must be regarded as unauthorized and unlawful. The matter under consideration does not present a case where there may be an exercise of legislative judgment as to the amount to be appropriated, in which case it would be the clear duty of the Executive to approve or disapprove the entire item, but it presents the case of an appropriation where the amount is controlled by pre-existing law, binding alike upon the General Assembly and the Executive.

As to the item under consideration, having obtained satisfactory evidence of the amount to which the officers and employes of the Senate are entitled, to wit: the sum of forty-seven thousand seven hundred and ten dollars (\$47,710.00), to that amount this item is approved, and as to the sum of seven thousand two hundred and sixty-six dollars (\$7,266.00), it is disapproved.

Also the item which provides as follows:

"For payment to the Chief Clerk of the Senate for the payment of the salary of a janitor and keeping in order the apartments of the Lieutenant Governor, two years, at four hundred dollars each year, the sum of

eight hundred dollars, or so much thereof as may be necessary."

The destruction of the Capitol building by fire destroyed the apartments of the Lieutenant Governor and until they are replaced the services of a janitor will not be necessary.

Also the item which provides as follows:

"For the payment of the salaries of one watchman at three dollars per day, and the pages at two dollars per day for the time actually employed as provided by law, the sum of six thousand one hundred dollars, or so much thereof as may be necessary."

The payment of the salary of one watchman at three dollars per day, according to the itemized bill furnished me by the Chief Clerk of the Senate, is for seven hundred and twenty-eight days, at three dollars per day, or \$2,184.00. This contemplates the employment of a watchman at three dollars per day at the church formerly occupied by the Legislature until the first of January, 1899. There is no necessity for such a watchman, and therefore, this item, so far as it relates to the watchman, is disapproved. So much of the item as relates to the pay of the pages is approved.

Also the item which provides as follows:

"For the payment of the salary of an engineer of the Capitol building for the time actually employed during the recess ending the first Tuesday in January, one thousand eight hundred and ninety-nine, as provided by law the sum of one thousand six hundred and fifty dollars, or so much thereof as may be necessary."

And also the item which provides as follows:

"For the payment of the salary of the cellar fireman of the Senate for the time actually employed during the recess ending the first Tuesday in January, one thousand eight hundred and ninety-nine, as provided by law, the sum of one thousand six hundred and fifty dollars, or so much thereof as may be necessary."

These last two items are disapproved because the Capitol building having been destroyed by fire, there will be no necessity for an engineer or a cellar fireman until the same is rebuilt.

Also the item which provides as follows:

"To the Chief Clerk of the Senate for the payment of Lucius Rogers for services as clerk to the Senate Appropriations Committee during the session of one thousand eight hundred and ninety seven, the sum of one thousand dollars."

This item is disapproved because payment for these services is provided for in a previous item of this section.

House of Representatives.

The item in section four which provides as follows:

"For the payment of the salaries of officers and employes of the House (except resident clerk, watchman and pages), the sum of seventy-five thousand four hundred and four dollars, or so much thereof as may be necessary."

For the reasons set forth in my disapproval of a like item in this bill, providing for an appropriation for the salaries of the officers and employes of the Senate, I approve of this item, the sum of sixty-three thousand and fifty-four dollars (\$63,054), and disapprove of the sum of twelve thousand three hundred and fifty dollars (\$12,350). The amount approved represents the salaries of the officers and employes of the House of Representatives authorized by law, and the amount disapproved represents the salaries of such officers and employes as are not provided for by any act of Assembly.

Also the item which provides as follows:

"For the payment of the salaries of one watchman at three dollars per day and the pages at two dollars per day for the time actually employed and mileage,

the sum of eleven thousand two hundred and ninety-three dollars and sixty cents, or so much thereof as may be necessary."

The payment of the salary of one watchman at \$3.00 per day, according to the itemized bill furnished me by the Chief Clerk of the House is for seven hundred and twenty-eight days, at \$3.00 per day, or \$2,184.00. This contemplates the employment of a watchman, at \$3.00 per day, at the church formerly occupied by the Legislature until the first of January, 1899. There is no necessity for such a watchman and, therefore, this item, so far as it relates to the watchman, is disapproved, but in so far as it relates to the salaries of the pages it is approved.

Also the item which provides as follows:

"For the payment of the salary of the cellar fireman for the time actually employed during the recess ending the first Tuesday of January, one thousand eight hundred and ninety-nine, as provided by law, the sum of one thousand six hundred and fifty dollars, or so much thereof as may be necessary."

This item is disapproved because there being no Capitol building, no cellar fireman will be necessary until after the erection of a new Capitol building.

Also the item which provides as follows:

"For the payment of Henry Huhn for services as clerk to the Committee on Rules of the House during the session of one thousand eight hundred and ninety-seven, the sum of five hundred dollars."

This item is disapproved because the beneficiary was the Speaker's clerk of the House of Representatives under a salary fixed by act of Assembly and is, therefore, not entitled to extra compensation.

Also the item which provides as follows:

"For the payment of Jno. Harner, janitor of the Supreme Court rooms, for services rendered to the several committees of the House during the session of one

thousand eight hundred and ninety five the sum of one hundred dollars, and for services rendered to the several investigating committees, Ways and Means and other committees of the House during the session of one thousand eight hundred and ninety seven, the sum of one hundred dollars, or so much thereof as may be necessary, to be paid on the warrant of the Auditor General upon presentation of proper vouchers."

This item is disapproved because the first of these appropriations, to wit: the sum appropriating \$100 for services rendered in 1895, having been placed in the general appropriation bill of that year and the claim having been set forth for services rendered to caucuses of members of the House, the sum was vetoed upon the ground that services rendered by a janitor to a party caucuses should not be paid out of public funds. I see no reason for changing this decision and as to the remaining appropriation of \$100 in this item, it is also disapproved for the reason that there is no warrant or authority of law for such an appropriation.

The item in section seven, which provides as follows:

"For the payment of the salary of Josiah Higgings as janitor in the basement of the Executive building during the recess at the rate of three dollars per day for the time actually employed in keeping in order the bath-room in the basement of the Executive building for the use of the several departments, the sum of one thousand six hundred and fifty dollars, or so much thereof as may be necessary, to be settled monthly by the Auditor General on the certificate of the Superintendent of Public Grounds and Buildings."

This item is disapproved, because in my judgment there is no necessity for paying the sum of \$3.00 per day for keeping in order the bath-room in the basement of the Executive building.

Section thirty-two, which provides as follows:

"For the payment of the expenses incurred and re-

maining unpaid by the joint committee authorized by joint resolution approved the twentieth day of February, one thousand eight hundred and ninety-five, and for balance due H. I. Goodman for clerk hire, and stenographic services performed in the investigations made and the preparation of the report of the committee appointed to ascertain the number of foreign unnaturaized paupers now quartered upon the Commonwealth, the sum of two thousand one hundred and fifty dollars or so much thereof as may be necessary, to be paid upon the presentation of proper vouchers certified to by the chairman of said committee and approved by the Auditor General."

This committee was created under authority of a concurrent resolution, approved 20th day of February, A. D. 1895, and the sum of \$3,000, or so much thereof as might be necessary, was then appropriated for the payment of the committee's expenses. The section before me, if it should become a law, would appropriate an additional sum of \$2,150 for the same purpose. The committee was not authorized to expend a larger sum than the amount appropriated by the General Assembly which gave them the power and authority to make the investigation, and, therefore, I withhold my approval.

Section thirty-eight which provides as follows:

"For the payment of the expenses already incurred or to be hereafter incurred by the joint committee of the Senate and House appointed under the provisions of an act of Assembly approved the twenty-first day of May, one thousand eight hundred and ninety-five, to ascertain the best methods of utilizing convict labor in the institutions of Pennsylvania so as not to interfere with the legitimate industries, and continued by concurrent resolution of the Legislature of one thousand eight hundred and ninety-seven, the sum of five thousand dollars, or so much thereof as may be necessary,

to be paid upon the warrant of the Auditor General, upon the presentation of specifically itemized vouchers, approved by the chairman of said committee."

This item is disapproved because Senate bill No. 627, approved July 26th, 1897, makes specific appropriation for the same sum as set forth in this section and for the same purpose.

Section thirty-nine, which provides as follows:

"For the purchase of the portrait of the Honorable Thaddeus Stevens, painted by Matthew Wilson and to be placed in the Executive Department, the sum of three hundred and fifty dollars, or so much thereof as may be necessary, to be paid on the warrant of the Auditor General upon the presentation of the proper voucher."

This item is disapproved because the State already owns a fine portrait of the late Thaddeus Stevens, and this appropriation is therefore considered unnecessary.

Sections forty and forty-one, which provide, respectively, as follows:

"For the payment of the funeral expenses of the late William H. Cassin, ex-member of the House of Representatives, the sum of four hundred and one dollars and fifty cents, or so much thereof as may be necessary, to be paid on the warrant of the Auditor General drawn in favor of the chairman of the committee, Milton W. Kerkeslager, who was in charge of the committee appointed by the House of Representatives in arranging for the funeral, upon the presentation of specifically itemized and receipted vouchers approved by the Auditor General and State Treasurer."

"For the payment of the funeral expenses of the late Hon. D. D. Philips, ex-member of the House of Representatives from the Second legislative district, Schuylkill county, for the session of one thousand eight hundred and ninety-seven, the sum of six hundred and twenty-five dollars and fifty cents, or so much

thereof as may be necessary, to be paid on the warrant of the Auditor General drawn in favor of the sergeant-at-arms, E. C. M. Rawlins, who was in charge of the committee appointed by the House of Representatives in arranging for the funeral upon the presentation of specifically itemized and receipted vouchers approved by the Auditor General and State Treasurer."

The late William H. Cassin was a member of the General Assembly during the years 1893 and 1894, and the late D. D. Philips was a member of the General Assembly for the years 1885 and 1887, inclusive, but they were not members of the House of Representatives in the year 1897. There is no warrant or authority in law nor in precedent, so far as I know, for the payment of the funeral expenses of ex-members of the General Assembly and, therefore, I withhold my approval of these two sections.

Section forty-four, which provides as follows:

"For the payment of the necessary expenses, clerical assistance and stenographic work of the committee created by resolution approved February eight, one thousand eight hundred and ninety-seven to investigate the management of the State Treasury and Auditor General's Department, the sum of three thousand two hundred and thirty-four dollars and eighty-one cents, or so much thereof as may be necessary, to be paid on the warrant of the Auditor General on the presentation of vouchers certified to by the chairman of the said committee."

This section is disapproved because it is in direct violation of section 15, Article III, of the Constitution, which provides that "The general appropriation bill shall embrace nothing but appropriations for the ordinary expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, interest on the public debt and for public schools; all other appro-

priations shall be made by separate bills, each embracing but one subject." Furthermore the item is an appropriation for a lump sum, not itemized, and I have no information concerning the items making up the sum appropriated.

Section forty-five which provides as follows:

"To Charles Ettla for car fare and services as secretary of the joint committee to investigate the Eastern and Western Penitentiaries, the sum of four hundred and fifty dollars and eighty cents, and a like sum to George Baker for like expenses and for services as doorkeeper of said committee, to be paid upon the warrant of the Auditor General upon the presentation of specifically itemized vouchers approved by the chairman of said committee."

This section is disapproved because it is in violation of section 15, Article III, of the Constitution, and for the additional reason that compensation is given to Charles Ettla and George Baker by a provision in Senate bill No. 626, which received Executive approval.

Section forty-six which provides as follows:

"The sum of sixty dollars is hereby specifically appropriated for the purpose of reimbursing Jacob M. Kepler, formerly of Forest county, now of Pine Grove Mills, Centre county, Pennsylvania, for State tax erroneously paid upon a mortgage held by him against the Salmon Creek Lumber and Mining Company of Forest county for the years one thousand eight hundred and ninety-one to one thousand eight hundred and ninety-four inclusive. This amount to be paid by the State Treasurer on the warrant of the Auditor General in the usual manner."

This section is disapproved for the reason that I am not advised as to whether or not the State taxes paid by Jacob M. Kepler were erroneously paid by him and for the further reason that it would establish a bad precedent.

Section forty-seven which provides as follows:

"For the payment of the expenses incurred by the delegates appointed by the Governor of the Commonwealth to Coast Defense Congress that met in the city of Tampa, Florida, on the seventeenth day of January, Anno Domini one thousand eight hundred and ninety-seven, the sum of one thousand dollars, or so much thereof as may be necessary, to be paid on the warrant of the Auditor General out of any money in the treasury not otherwise appropriated."

This section is disapproved because all the delegates to the Coast Defense Congress were notified at the time of their appointment that no compensation either for services or expenses would be allowed, the position of delegate being purely an honorary one.

DANIEL H. HASTINGS.

Note.—Included in the items contained in the general appropriation bill approved by me are the following:

Section nine, which appropriates among other things
* * * "for the support of education by making an appropriation to the several State Normal schools organized and accepted under existing laws, the sum of one hundred and thirty thousand dollars, annually, which said sum is to be distributed equally among the thirteen State Normal schools of the Commonwealth and for the education of teachers in the Normal schools, the sum of one hundred and thirty thousand dollars, annually or so much thereof as may be necessary, to be applied under the same conditions and under the same restrictions as are set forth in section three of the general appropriation act, approved March twenty-three, one thousand eight hundred and seventy-seven, provided that each student in a Normal school drawing an allowance from the State must receive instruction in the science and art of teaching in a special class devoted to that object for the whole time such allowance is drawn."

The thirteen State Normal schools sharing in this appropriation have each filed in the office of the State Treasurer an abatement of \$5,000 from the share of the appropriation to be received by each school, amounting to \$65,000.

DANIEL H. HASTINGS.

Proclamation of Vetoes—1897.



IN THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania, Executive Department.

A PROCLAMATION.

I. DANIEL H. HASTINGS, Governor of the Commonwealth of Pennsylvania, have caused this proclamation to issue, and in compliance with the provisions of article four, section fifteen of the Constitution thereof, do hereby give notice, that I have filed in the office of the Secretary of the Commonwealth, with my objections thereto, the following bills passed by both Houses of the General Assembly, viz:

Senate Bill No. 12, entitled "An Act to validate the indebtedness of any borough hereinbefore incurred."

Senate Bill No. 157, entitled "An Act to amend an act entitled 'An Act providing for the manner of ascertaining, determining, awarding and paying compensation and damages in all cases where municipalities of this Commonwealth may hereafter be authorized by law to take, use and appropriate public property for the purpose of making, enlarging and maintaining public parks within the corporate limits of such municipalities,' approved the eighth day of June, one thousand eight hundred and ninety-five."

Senate Bill No. 421, entitled "An Act granting an annuity to Solomon Thomas, of Mifflin county, Pennsylvania, a private in Captain David Mitchell's Independent Company of Pennsylvania Militia."

Senate Bill No. 419, entitled "An Act granting an annuity to Jacob H. Howell, of McClure, Snyder county, Pennsylvania, a private in Captain David H. Mitchell's Independent Company, Pennsylvania Militia."

Senate Bill No. 112, entitled "An Act to amend section three of an act, entitled 'An act to consolidate, revise and amend the laws of this Commonwealth relating to penal proceedings and pleadings,' approved the thirty-first day of March, Anno Domini one thousand eight hundred and sixty, so as to dispense with the endorsing or backing of warrants by aldermen and justices of the peace out of the jurisdiction of the alderman or justice granting the warrant, and requiring that warrants so issued shall be stamped with the official seal of the officer issuing the same."

House Bill No. 398, entitled "An Act to protect the owner and agents of stallions in the collection of fees for the services of said stallions, and to secure the fees for the services of said stallion by a lien on the colt produced by said services, for the amount agreed upon between the parties at the time of the service, and that the same may be collected in the same manner as other debts are now collected."

Senate Bill No. 191, entitled "An Act regulating all advertisements and notices required by the law to be published in counties of this Commonwealth."

House Bill No. 127, entitled "An Act to amend an act, entitled 'An Act to correct errors of description in writs of venditiona exponas and the sheriff's deed, in the case of the sale of real estate upon such writs,' approved the twenty-fourth day of June, one thousand eight hundred and ninety-five, so as to leave out

the limitation of time to one year, and certain notices, and giving the court power to correct names of parties."

House Bill No. 154, entitled "An Act to repeal an act approved the twenty-seventh day of February, one thousand eight hundred and seventy-three, entitled "An Act relative to public roads in Luzerne township, Fayette county," extending the privileges of said act to said township so far as the same relates to the said township of German, in said county of Fayette."

House Bill No. 234, entitled "An Act to amend the first section of an act, entitled 'An act to provide for the licensing of buildings and other places in which theatrical, operatic or circus performance are held, and menageries or museums are exhibited, and fixing the price to be paid for said licenses,' approved the twenty-fourth day of June, Anno Domini one thousand eight hundred and ninety-five, exempting buildings used for such purposes in boroughs and townships having a population of less than one thousand five hundred people."

House Bill No. 309, entitled "An Act regulating the salaries of court criers and tipstaves in the court of common pleas, quarter sessions and oyer and terminer and orphans' court in all counties of this Commonwealth having a population of one hundred and fifty thousand and not exceeding five hundred thousand."

House Bill No. 415, entitled "An Act to regulate travel upon the highways, streets and roads of the Commonwealth of Pennsylvania."

Senate Bill No. 236, entitled "An Act repealing part of section one of an act, entitled "An Act relative to the expense of maintaining children committed to the House of Refuge of Western Pennsylvania from the county of Lawrence," approved the seventeenth day of April, Anno Domini one thousand eight hundred and sixty-nine."

Senate Bill No. 301, entitled "An Act to regulate the proceedings for the incorporation of a borough, when the territory to be included in the proposed borough is situate in two or more counties."

Senate Bill No. 379, entitled "An Act authorizing the burgess and town council of each of the several boroughs throughout this Commonwealth to levy a tax for the purpose of purchasing, erecting and maintaining fire plugs and hydrants for the purpose of supplying the said boroughs with sufficient supply of water for the extinguishment of fires and other public purposes and for the purpose of properly lighting and illuminating the streets, lanes and alleys and other public places in said boroughs and for the purpose of purchasing hose and other appliances for the extinguishment of fires in said boroughs."

House Bill No. 24, entitled "An Act for the relief and employment of the poor within the several counties of this Commonwealth."

House Bill No. 300, entitled "An Act granting to the city of Erie in the county of Erie, Pennsylvania, by the Commonwealth of Pennsylvania all the right, title and interest now held by the Commonwealth in and to a certain tract of land lying to the northward and enclosing the Bay of Presque Isle for public park and pleasure resort purposes, and providing for the assent of the Government of the United States thereto."

House Bill No. 436, entitled "An Act to amend section three of an act, entitled 'An Act to enable borough councils to establish boards of health, approved May eleventh, one thousand eight hundred and ninety-three,' so as to allow councils of boroughs containing not more than ten thousand inhabitants to combine certain comparable offices."

Senate Bill No. 526, entitled "An Act for the protection of persons alleged to be lunatics, and providing

for a speedy hearing, and for a trial in all such cases, and for the discharge of such persons in certain cases."

House Bill No. 11, entitled "An Act in relation to official newspaper advertising of cities of the second class."

House Bill No. 582, entitled "An Act to make county, city, borough and school taxes a lien on real estate, and to provide that such lien shall be divested by a judicial sale of real estate, where the amount of the purchase money shall be sufficient to pay the costs of such sale and the said taxes, and imposing duties upon tax collectors, county commissioners, sheriffs and other persons in the collection of said taxes."

House Bill No. 568, entitled "An Act to tax all orders, checks, dividers, coupons, pass books or other paper representing wages or earnings of an employe, not paid in cash to the employe or member of his family, and providing a penalty for the failure to report to the Auditor General."

House Bill No. 506, entitled "An Act to amend the fourth section of an act, entitled 'An Act to restrain and regulate the sale of vinous and spiritous, malt or brewed liquor or any admixture thereof,' approved the thirteenth day of May, Anno Domini one thousand eight hundred and eighty seven, regulating and prescribing the manner of publication of the list of applicants in cities of the first class, and directing said publication to be made in three newspapers, and authorizing the clerk of the court of quarter sessions to designate the same, one of which shall be a newspaper printed in the German language in said cities."

House Bill No. 511, entitled "An Act to amend the third section of an act, entitled 'An Act to restrain and regulate the sale of vinous and spiritous, malt or brewed liquors, or any admixture thereof, by wholesale,' approved the ninth day of June, Anno Domini one thousand eight hundred and ninety-one, regulating

and prescribing the manner of publication of the list of applicants in cities of the first class, and directing said publication to be made in three newspapers, and authorizing the clerk of the court of quarter sessions to designate the same, one of which shall be a newspaper printed in the German language in said cities."

House Bill No. 723, entitled "An Act to repeal section seven of an act, entitled 'An Act for the registration of births, marriages and deaths in the city of Philadelphia,' approved the eighth day of March, Anno Domini one thousand eight hundred and sixty."

House Bill No. 437, entitled "An Act to provide for commitment and treatment of persons in asylums addicted to the use of cocaine, morphine and other stupefying drugs,"

House Bill No. 441, entitled "An Act providing the means for the enforcement by cities of this Commonwealth of their ordinances."

Senate Bill No. 341, entitled "An Act to regulate the construction of buildings in cities of the first class."

House Bill No. 303, entitled "An Act supplementary to an act, entitled 'An Act to regulate the practice of pharmacy and sale of poisons, and to prevent adulterations in drugs and medicinal preparations in the State of Pennsylvania,' approved the twenty-fourth day of May, Anno Domini one thousand eight hundred and eighty-seven, further regulating the practice of pharmacy, the compounding and dispensing of prescriptions, and the sale of drugs, chemicals, medicines and poisons, and providing a penalty for the violation thereof."

House Bill No. 430, entitled "An Act to enable the county commissioners of any county which has assisted any township or townships under existing laws in building the whole or any portion of a bridge, but has not entered the same upon record as a county

bridge, to assist in the rebuilding the whole or any portion of the same when destroyed by casualty, or to afterwards enter said bridge upon record as a county bridge."

House Bill No. 324, entitled "An Act to amend an act, entitled 'An Act to establish a Department of Agriculture, and to define its duties and to provide for its proper administration,' approved March thirteen, one thousand eight hundred and ninety five, providing for the appointment of local managers of farmer's institutes in the several counties of this Commonwealth, and further defining the duties of the superintendent of institutes."

House Bill No. 140, entitled "An Act amending section two of an act, entitled 'An Act to regulate and establish the fees to be charged by justices of the peace, aldermen, magistrates and constables in this Commonwealth,' approved the twenty-third day of May, Anno Domini one thousand eight hundred and ninety-three, regulating and establishing the fees to be charged by constables in this Commonwealth."

Senate Bill No. 398, entitled "An Act, entitled 'A supplement to an act, entitled 'An Act providing for the permanent improvement of certain public roads or highways in the several counties of this Commonwealth, making such improved roads and highways county roads,' authorizing the re-location, opening, straightening, widening, extension and alteration of the same, the vacation of much of any road as may thereby become unnecessary, authorizing the taking of property for such improvements, and providing for the compensation therefor, and the damages resulting from such taking, providing for the payment of costs and expenses incurred in making such improvements, and in thereafter repairing and maintaining said roads, and authorizing the levy

of a tax to provide for said purposes,' approved June twenty-sixth, one thousand eight hundred and ninety-five, so as to authorize, in connection with or in addition to the roads or highways mentioned in said act, the construction of roads for the use of bicycles, tri-cycles and other vehicles with pneumatic or soft rubber tires and propelled by hand or foot, the appropriation of a portion of the road tax for such purposes, declaring the use and prohibiting injury to said roads or to persons or property using them, authorizing the county commissioners to make certain rules relating thereto, and prescribing fines for the violation of said rules, and of other provisions of said act, and directing the manner of collecting said fines."

Senate Bill No. 354, entitled "An Act to amend sections one, two and three of article (XII) twelve of an act, entitled 'An Act to provide for the better government of cities of the first class in this Commonwealth,' providing a better method for the confirmation appointees."

House Bill No. 109, entitled "An Act supplementary to an act, entitled 'An Act to provide for the better security of life and limb in cases of fire in hotels and other buildings,' approved the eleventh day of June, Anno Domini one thousand eight hundred and seventy-nine, as amended by act of the third of June, Anno Domini one thousand eight hundred and eighty-five, providing for fire alarms in said buildings and fixing a penalty for the violation thereof."

House Bill No. 162, entitled "An Act relative to applications for warrants for the vacant lands of the Commonwealth, filing of caveats against the granting of such warrants their consideration by the board of property, and authorizing suits at law by either party that may be dissatisfied with the decision of the board of property in regard to granting such warrants."

Senate Bill No. 137, entitled "An Act to revise and

amend an act, entitled 'An Act providing for the incorporation and government of cities of the third class,' approved May twenty-third, Anno Domini one thousand eight hundred and eighty-nine, enlarging, modifying and defining the powers of cities of the third class."

Senate Bill No. 464, entitled "An Act making an appropriation to the Titusville Hospital, Titusville, Pennsylvania."

House Bill No. 958, entitled "An Act making an appropriation to the Butler County General Hospital."

House Bill No. 1002, entitled "An Act making an appropriation to the American Hospital Association."

House Bill No. 1005, entitled "An Act making an appropriation for the payment of the expenses incurred by the joint committee on public buildings and grounds of the Senate and House of Representatives appointed to investigate and report to the General Assembly the result of their investigation the cause of the fire which destroyed the Capitol building on February second, one thousand eight hundred and ninety-seven."

House Bill No. 1006, entitled "An Act making an appropriation for the payment of the expenses incurred by the Legislature of Pennsylvania in attending the ceremonies connected with the unveiling of the monument at the tomb of General U. S. Grant, at New York, on April twenty-seventh, one thousand eight hundred and ninety-seven, and the Washington monument at Philadelphia, on May fifteenth, one thousand eight hundred and ninety-seven."

House Bill No. 140, entitled "An Act to declare the species of fish which are game fish and fish commercially valuable for food, and to regulate the catching and encourage the propagation of the same, to protect the waters within the State from improper and wasteful fishing, to provide for the appointment of fish commissioners and fish wardens, and to declare the official powers and duties, and to encourage and regu-

late the artificial propagation of game and food fish by such State Fish Commissioners and others, and to regulate the distribution of the same in the waters of the Commonwealth, and to provide penalties and punishments for the violation of the provisions thereof, and repealing the following acts:

"An Act providing for the construction of fishways and for the propagation and protection of fish, and appropriating moneys therefore, approved the fourteenth day of May, Anno Domini one thousand eight hundred and seventy-four."

Also "An Act to consolidate and amend the several acts relating to game and game fish, approved the fifth day of May, Anno Domini one thousand eight hundred and seventy-six, so far as it relates to fish."

Also "An Act to amend and consolidate the several acts relating to game and fish, approved the third day of June, Anno Domini one thousand eight hundred and seventy-eight, so far as it relates to fish, and also the supplement to the said act so far as it relates to fish, approved the tenth day of June, Anno Domini one thousand eight hundred and eighty-one."

"An Act for the protection of fish in the waters of Lake Erie, approved the sixteenth day of May, Anno Domini one thousand eight hundred and seventy-eight."

"An Act providing for the propagation and protection of fish and appropriating money therefore, approved the eleventh day of June, Anno Domini one thousand eight hundred and seventy-nine."

"An Act for the protection of the fishing interests of the State, approved the eleventh day of June, Anno Domini one thousand eight hundred and seventy-nine."

"An Act to prevent the catching, killing, exposing for sale or having in possession speckled trout except from the fifteenth day of April to the fifteenth day of July, approved the eleventh day of June, Anno Domini one thousand eight hundred and eighty-five."

"An Act for the protection of shad and game fish in the State of Pennsylvania, approved the twenty-second day of May, Anno Domini one thousand eight hundred and eighty-nine."

"An Act for the protection of fish in the waters of Lake Erie, approved the twenty-second day of May, Anno Domini one thousand eight hundred and eighty-nine, and also the amendment to the said act, approved the twentieth day of May, Anno Domini one thousand eight hundred and ninety-one."

"An Act to permit the use of eel pots in the rivers and waters of this Commonwealth, other than trout streams, approved the twenty-fifth day of June, Anno Domini one thousand eight hundred and eighty-five."

"Also "An Act to prevent the placing in the waters of Pennsylvania of any torpedo, giant powder, nitro-glycerine, lime or any poisonous or explosive substances of any kind for the purpose of taking fish, and providing a penalty for the violation thereof, approved the twenty-fifth day of June, Anno Domini one thousand eight hundred and ninety-five."

House Bill No. 342, entitled "An Act to provide for the appointment of a game and fish warden, and to prescribe his powers and duties."

House Bill No. 416, entitled "An Act to provide for the more safe and efficient means of exit from theatres and other places of public amusement hereafter constructed where stage scenery and apparatus are employed."

House Bill No. 1025, entitled "An Act making an appropriation to Joseph Wyatt, Sergeant-at-Arms of the House of Representatives, for the session of one thousand eight hundred and ninety-seven, for the payment in full of the expenses incurred by the Senate and House of Representatives in attendance upon the inaugural ceremonies at Washington, March fourth, one thousand eight hundred and ninety-seven."

House Bill No. 455, entitled "An Act to provide for the establishment of bird day in the public schools, and for the proclaiming of same by the State Superintendent of Public Instruction."

House Bill No. 280, entitled "An Act supplementary to an act, approved April twenty-nine, one thousand eight hundred and seventy-four, entitled 'An Act to provide for the incorporation and regulation of certain corporations, providing for the purchase of the franchises and property of certain corporations by the municipal corporation or corporations within the limits of which such franchises are exercised, and providing that such municipal corporation shall not itself undertake or perform any business or purposes of such corporation without first acquiring its franchises on property.'"

House Bill No. 538, entitled "An Act to provide revenue by imposing a mercantile license tax on venders of or dealers in goods, wares and merchandize, and providing for the collection of said tax."

And also certain items in the following House and Senate Bills, viz:

House Bill No. 883, entitled "An Act making an appropriation to the trustees of the State Asylum for the Chronic Insane."

House Bill No. 990, entitled "An Act making an appropriation to the Lehigh University."

Senate Bill No. 621, entitled "An Act making an appropriation to pay the expenses incurred by the joint committee of the House and Senate, appointed to investigate and report to the General Assembly the result of their investigation of the industrial condition and alleged deplorable state of the miners of the bituminous coal region comprising what is commonly known as the Pittsburgh district of Pennsylvania, also of Clearfield and Cambria counties; and to inquire into the high rate of tolls charged by the Monongahela Nav-

igation Company, and to inquire into the condition of coal shipments in connection with said toll charges on the Monongahela river during the session of one thousand eight hundred and ninety-seven."

Senate Bill No. 624, entitled "An Act making an appropriation for the payment of the expenses incurred by the joint committee of the Senate and House of Representatives to investigate and report to the General Assembly the result of their investigation the conditions existing in the anthracite coal regions."

Senate Bill No. 626, entitled "An Act making an appropriation for the payment of the expenses incurred by the joint committee of the Senate and House of Representatives appointed to investigate the different systems of management and of the confinement of prisoners in the two penal institutions of the State, known as the Eastern and Western Penitentiaries."

Senate Bill No. 631, entitled "An Act making an appropriation for the payment of the expenses of the joint committee appointed by the Senate and House of Representatives to investigate the management generally of the workings of the office of the Dairy and Food Commissioner of this Commonwealth."

House Bill No. 848, entitled "An Act making an appropriation to pay expenses of the committee, hotel bill, stenographer, et cetera, in the contested election case of Saunders versus Roberts, in the Third Legislative district in the city of Philadelphia, during the session of one thousand eight hundred and ninety-seven."

House Bill No. 917, entitled "An Act making an appropriation to pay the expenses of the members of committee, hotel bill, stenographer, printing and filing petition, et cetera, in the contested election case of Shiffer versus Leh, in the Legislative district of Northampton county, during the session of one thousand eight hundred and ninety-seven."

House Bill No. 992, entitled "An Act making an appropriation to the trustees of the University of Pennsylvania."

House Bill No. 1022, entitled "An Act making an appropriation to pay the expenses incurred by the joint committee of the House and Senate, appointed to investigate and report the same to the General Assembly, to inquire into the rumor and charges in circulation among the members of the State Legislature that fifty thousand dollars was demanded of the Metropolitan Life Insurance Company of New York City to defeat the bill introduced by Senator McQuown which prohibits the insuring of children under fifteen years of age, and to ascertain the source and truth thereof, or any part affecting the integrity of any of the members of the Legislature during the session of one thousand eight hundred and ninety-seven."

House Bill No. 1023, entitled "An Act making an appropriation to Joseph Wyatt, Sergeant-at-Arms of the House of Representatives, session of one thousand eight hundred and ninety-seven, for services rendered by him to the Elections Committee in the contested election case of shiffer versus Leh."

House Bill No. 1024, entitled "An Act making an appropriation to Joseph Wyatt, Sergeant-at-Arms of the House of Representatives, sessions of one thousand eight hundred and ninety-seven, for services rendered by him to the Elections Committee in the contested election in the case, Saunders versus Roberts."

House Bill No. 123, entitled "An Act to provide for the ordinary expenses of the Executive, Judicial and Legislative departments of the Commonwealth, interest on the public debt, and for the support of the public schools for the two fiscal years beginning June first, one thousand eight hundred and ninety-seven, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand eight hundred and ninety-seven."



Given under my hand and the Great Seal of the State, at the City of Harrisburg, this thirtieth day of July, in the year of our Lord one thousand eight hundred and ninety-seven and of the Commonwealth the one hundred and twenty-second.

DANIEL H. HASTINGS.

By the Governor:

Frank Reeder,

Secretary of the Commonwealth.

Filed in the office of the Secretary of the Commonwealth this thirtieth day of July, A. D. 1897.

Jas. E. Barnett,

Deputy Secretary of the Commonwealth.

Proclamation Relative to Certain Riotous Demonstrations at Hazleton.



IN THE NAME AND BY THE Authority of the Commonwealth of Pennsylvania, Executive Department.

A PROCLAMATION.

Whereas, It has been represented to me by the proper authority of Luzerne county that riotous demonstrations exist in various sections thereof, whereby the lives and property and the peace and safety of the people are threatened, and which the civil authorities are unable to suppress;

And Whereas, The Constitution and laws of the Commonwealth authorize and require the Governor, whenever it may become necessary to employ the mili-

tary arm of the State to suppress domestic violation and preserve the peace;

Now, Therefore, I, DANIEL H. HASTINGS, Governor of the Commonwealth, do hereby admonish all good citizens and all persons within the territory and under the jurisdiction of the Commonwealth, against aiding or abetting any such unlawful proceedings, and I do hereby notify them that the lives and property of all citizens of the Commonwealth will be protected; that the laws will be enforced; that the humblest citizen will be protected in his right to earn a livelihood and in the enjoyment of his home and family; and that the safety of life and property will be guaranteed to all citizens at whatever cost; and I do hereby command all persons engaged in riotous demonstrations and unlawful conduct threatening the peace and dignity of the Commonwealth of Pennsylvania, to disperse forthwith to their respective places of abode, warning them that persistence in violence or unlawful assemblage will compel such use of the military arm of the Commonwealth as may be necessary to enforce obedience to the laws and maintenance of good order.



Given under my hand and the Great Seal of the State, at the City of Harrisburg, this eleventh day of September, in the year of our Lord one thousand eight hundred and ninety-seven, and of the Commonwealth the one hundred and twenty-second.

DANIEL H. HASTINGS.

By the Governor:

Jas. E. Barnett,

Deputy Secretary of the Commonwealth.

Proclamation Calling for Aid to Suffering Cubans.



IN THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania, Executive Department.

To all to whom these Presents shall come, Greeting:

A PROCLAMATION.

The President of the United States has called the attention of the American people to the suffering from hunger and to the destitution of the necessaries of life of the people in the Island of Cuba and has called upon the benevolent disposed people of the United States to make such contributions of money, provisions, clothing, medicines and like articles of prime necessity as they may be disposed to spare for that purpose.

Arrangements have been made by which all such charitable contributions will be received by the American Consul General at Havana and promptly distributed among the destitute and needy with the co operation of the local authorities and relief committees.

All articles, now dutiable by law, sent to relieve the suffering will be admitted at Havana free of duty.

The most acute distress prevails throughout the island. Many of the inhabitants have died of hunger and thousands are in danger of starvation.

Whereas, A goodly number of citizens of the Commonwealth have called upon the Executive to unite in an effective movement throughout the State for the gathering of such articles of relief as may come in response to this cry for bread.

Now, Therefore, I, DANIEL H. HASTINGS, Governor of the said Commonwealth, do issue this, my Proclamation calling upon the people of the Commonwealth to come to the relief of the destitute inhabi-

tants of Cuba according to their respective inclinations and well known philanthropy and as God has prospered them.

And I do designate Charles F. Warwick, Mayor of Philadelphia, Henry P. Ford, Mayor of Pittsburg, James G. Bailey, Mayor of Scranton, and John D. Patterson, Mayor of Harrisburg, as depositaries, to whom money, clothing, provisions and other necessities may be transmitted for sure forwarding to Consul General Lee at Havana.

And I do call upon all relief committees, charitable organizations and churches of all creeds and denominations to aid in the prompt and effective work of gathering the bounty of the people as speedily as possible.

The citizens of our great and noble Commonwealth, foremost in every good work, always responsive to the call of patriotism and philanthropy who never turn a deaf ear to the cry of distress, whether in our own land or from Russia, Armenia or the uttermost parts of the earth, and who have within recent years felt the generous throb of sympathy and humanity that came from every nation in the civilized world when sore calamity visited our own borders, will not, I am sure, turn a deaf ear to the pitiful cry which now comes from our neighbors in Cuba.



Given under my hand and the Great Seal of the State, at the City of Harrisburg, this eighth day of January in the year of our Lord one thousand eight hundred and ninety-seven and of the Commonwealth the one hundred and twenty-second.

By the Governor:

DANIEL H. HASTINGS.

David Martin,
Secretary of the Commonwealth.

Proclamation of the Election of James S. Beacom as
State Treasurer and Levi G. McCauley as Auditor
General.



IN THE NAME AND BY THE AU-
thority of the Commonwealth of
Pennsylvania, Executive Depart-
ment.

A PROCLAMATION.

Whereas, An Act of Assembly of this Common-
wealth, entitled "An Act to provide for the receiving,
opening and publishing of the returns of the election
for State Treasurer and Auditor General when elected
at the same election," approved the ninth day of May,
Anno Domini one thousand eight hundred and seventy-
nine, provides That whenever the Legislature shall
not be assembled and a State Treasurer or Auditor
General shall have been elected at the preceding an-
nual election, the Governor, the President Judge of the
Twelfth Judicial District, the President pro-tempore
of the Senate, the Speaker of the House of Represen-
tatives, four members of the Senate and six members
of the House of Representatives shall meet in the Sen-
ate Chamber at Harrisburg at twelve o'clock noon on
the third Tuesday of January succeeding such election
of State Treasurer or Auditor General and they or a
majority of them, being so convened, shall proceed to
open, compute and publish the returns of the election
for State Treasurer and Auditor General and shall file
in the office of the Secretary of the Commonwealth a
certificate, signed by each of them setting forth the
aggregate number of votes received by each person
voted for at such election; the Governor shall within
ten days thereafter declare by proclamation the name
of the person elected to each of said offices.

And Whereas, the persons composing the Commis-

sion to open, compute and publish the returns of the late general election for State Treasurer and Auditor General have filed in the office of the Secretary of the Commonwealth, the certificate provided for in the above recited Act of the General Assembly showing that James S. Beacom received the greatest number of votes of the persons voted for at such election to fill the office of State Treasurer, and Levi G. McCauley received the greatest number of votes of the persons voted for at such election to fill the office of Auditor General.

Now Therefore, I, DANIEL H. HASTINGS, Governor of said Commonwealth, in conformity with the provisions of the aforesaid act of the General Assembly, do issue this my Proclamation hereby declaring James S. Beacom was elected to the office of State Treasurer, and Levi G. McCauley was elected to the office of Auditor General at the general election held on the second day of November, Anno Domini one thousand eight hundred and ninety-seven, they having received the highest number of votes of the persons voted for to fill the said offices of State Treasurer and Auditor General of said election.



Given under my hand and the Great Seal of the State, at the City of Harrisburg, this eighteenth day of January in the year of our Lord one thousand eight hundred and ninety-eight, and of the Commonwealth the one hundred and twenty-second.

DANIEL H. HASTINGS.

By the Governor:

David Martin,

Secretary of the Commonwealth.

Arbor Day Proclamation—1898.



IN THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania, Executive Department.

A PROCLAMATION.

General tree planting, as a public duty, has become a distinctive characteristic of civilized life. A peaceful victory is being gained over man's tree destroying instinct. Where but a few years ago our energies were devoted to the depletion and devastation of our forests, now, over almost our entire country, intelligent men and women and our National and State Governments are preparing activity to begin upon our waste lands that restoration of trees which the welfare of our country imperatively demands. The National Government has wisely undertaken to set apart and protect extensive areas of forest land preventing the subordination of public good to personal gain. Our Commonwealth has been foremost with legislation seeking to aid and encourage this reformation, and the force of her example has influenced other States to active work in forest restoration and preservation.

The swelling buds and flowing sap remind us that the annual awakening of plant life is approaching and that our share in the work of tree planting for the benefit of ourselves and our fellow men must shortly be performed. It is incumbent upon us not only to observe this ennobling custom—but also to be conspicuous therein.

That the children of the Commonwealth may be impressed with the importance and beneficence of tree planting and that the men and women of mature judgment may approve by an active interest in Arbor Day the efforts now being made to render our homes more

beautiful and our land more fertile and productive by clothing the mountains and valleys the shores of our rivers and streams and lining our highways with trees:

Now Therefore, I, DANIEL H. HASTINGS, Governor of the Commonwealth of Pennsylvania, in accordance with law, do hereby designate and proclaim Friday, the eighth day of April and Friday, the twenty-second day of April, A. D. 1898, to be observed as Arbor Days throughout the Commonwealth.

The selection of either of the above designated days is left to the choice of the people in the various sections of the Commonwealth, to the end that that day may be selected which is deemed the more favorable on account of climatic conditions.



Given under my hand and the Great Seal of the State, at the City of Harrisburg, this third day of March in the year of our Lord one thousand eight hundred and ninety-eight and of the Commonwealth the one hundred and

twenty-second.

DANIEL H. HASTINGS.

By the Governor:

David Martin,

Secretary of the Commonwealth.

Proclamation of a Special Day of Thanksgiving for the Success of the United States Forces in the War Against Spain.



IN THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania, Executive Department.

To all to whom these Presents shall come, Greeting:

A PROCLAMATION.

The people of Pennsylvania, together with their fellow citizens throughout the land, have great cause at this time for rejoicing and thanksgiving. A foreign power by the barbarous and inhuman treatment of its own subjects had shocked the civilized world. The American people reached the point where they could no longer permit humanity to be so cruelly outraged almost under the shadow of their own flag.

In the struggle which followed, God's guiding hand was abundantly manifested. The people answered as one man to the country's call. Our Army and Navy executed with unparalled valor the will of the Nation. Our victories by sea and land were signal triumphs for civilization and free government.

Pennsylvania's surviving soldiers have returned to their homes bringing renewed proofs of their devotion to the flag. Where opportunity came, they won the laurels always coveted by the American soldier, and where opportunity came not their devotion and steadfastness was deserving of equal praise.

The people of the Commonwealth in accordance with the sentiment of the hour, desiring to make public manifestation of their appreciation of the services and sacrifices of those who so nobly sustained the Nation's honor, will hold in the City of Philadelphia on the twenty-sixth and twenty-seventh days of October, a Peace Jubilee, and it has been deemed meet and proper that one of the aforesaid days be set apart as a day of thanksgiving and prayer.

Now Therefore, I, DANIEL H. HASTINGS, Governor of the said Commonwealth, do, by virtue of the Act of the General Assembly approved the 23d day of June, A. D. 1898, authorizing the Chief Executive to appoint days of thanksgiving and prayer or other re-

ligious observance, issue this my proclamation designating and setting apart Thursday, the twenty seventh day of October, Anno Domini one thousand eight hundred and ninety eight, as a special day of Thanksgiving and Prayer to Almighty God.

And I do recommend that our usual places of worship be filled with God fearing, thankful and patriotic worshippers, praying that the influence of the day's observance may find fruition in years to come in that rectitude of life, that devotion to home and country and that performance of every private and public duty which shall be well pleasing to Him, to the end that the future shall know nothing but peace and that the results of the war may prove a permanent blessing to our land and to the cause of advancing civilization.



Given under my hand and the Great Seal of the State, at the City of Harrisburg, this twentieth day of October in the year of our Lord one thousand eight hundred and ninety-eight and of the Commonwealth the one hundred and twenty-third.

DANIEL H. HASTINGS.

By the Governor:

David Martin,

Secretary of the Commonwealth.

Proclamation of the Election of William H. Graham
as a Representative of Pennsylvania in the United
States Congress.



IN THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania, Executive Department.

A PROCLAMATION.

Whereas, In and by an act of the General Assembly of this Commonwealth, entitled "An Act relating to the elections of this Commonwealth," approved the second day of July, Anno Domini one thousand eight hundred and thirty-nine, it is made the duty of the Governor upon receipt by the Secretary of the Commonwealth of the returns of the election of members of the House of Representatives of the United States, to declare by proclamation the names of the persons returned as elected in the Representative Districts.

And Whereas, The return of a special election held on Tuesday, the 29th day of November, A. D. 1898, for Representative of the Twenty-third Congressional District of Pennsylvania in the House of Representatives of the United States to fill the unexpired term of the Honorable William A. Stone, resigned, has been received at the office of the Secretary of the Commonwealth agreeably to the provisions of the above recited act of the General Assembly, whereby it appears that

In the Twenty-third District, composed of the City of Allegheny and townships and boroughs lying north of the Allegheny and Ohio rivers in the county of Allegheny, William H. Graham, has been duly elected.



Given under my hand and the Great Seal of the State, at the City of Harrisburg, this second day of December in the year of our Lord one thousand eight hundred and ninety-eight and of the Commonwealth the one hundred and twenty-third.

DANIEL H. HASTINGS.

By the Governor:

Richard E. Cochran,

Deputy Secretary of the Commonwealth.

Proclamation of the Election of Judges of the Superior Court.



IN THE NAME AND BY THE Authority of the Commonwealth of Pennsylvania, Executive Department.

A PROCLAMATION.

Whereas, It is provided in and by an act of the General Assembly of this Commonwealth, entitled "An Act to establish an intermediate court of appeal; regulating its constitution, officers, jurisdiction, powers, practice, and its relation to the Supreme Court and other Courts; providing for the reports of its decisions, the compensation of the judges and other officers and the practice and costs on appeals from its judgments," approved the 24th day of June, A. D. 1895, that the Secretary of the Commonwealth shall cause the returns made to him by the Prothonotaries of the several counties of the State, of an election for judges of the Superior Court, to be opened and the votes cast for the persons voted for to fill said offices, to be correctly computed and to certify the result to the Governor of the said Commonwealth, and that the Governor shall forthwith issue his proclamation declaring the successful candidates voted for for Judges of the Superior Court who have received the greatest number of votes cast, to be duly elected.

And Whereas, The Secretary of the Commonwealth has caused the returns of the late General Election for Judges of the Superior Court, to be opened and the result ascertained and certified to me, whereupon it appears that William W. Porter and William D. Porter received the greatest number of votes of the persons voted for to fill the said offices of Judges of the Superior Court.

Now Therefore, In conformity with the provisions of the aforesaid act of the General Assembly, I, DANIEL H. HASTINGS, Governor of the said Commonwealth, do issue this my proclamation, publishing and declaring that of the persons voted for for Judges of the Superior Court of this Commonwealth at the last General Election held on Tuesday, the eighth day of November, A. D. one thousand eight hundred and ninety-eight, William W. Porter and William D. Porter were the two persons voted for who received the greatest number of votes, and they are, therefore, elected Judges of the Superior Court of this Commonwealth.



Given under my hand and the Great Seal of the State, at the City of Harrisburg, this twentieth day of December in the year of our Lord one thousand eight hundred and ninety-eight and of Commonwealth the one hundred and twenty-third.

DANIEL H. HASTINGS.

By the Governor:

David Martin,

Secretary of the Commonwealth.

Biennial Message to the Assembly—1899.

Executive Department,

Commonwealth of Pennsylvania,

Office of the Governor, Harrisburg, January 3, 1899.

IN COMPLIANCE WITH THAT PORTION OF THE fundamental law which requires the Chief Executive to give "to the General Assembly information of the state of the Commonwealth and recommend

such measures as he may judge expedient," I beg, first of all, to congratulate you and the people of the Commonwealth upon the generally prosperous conditions of all our material, business and commercial interests and to acknowledge therein the beneficent hand of Almighty God.

FINANCES OF THE COMMONWEALTH.

I have the honor to submit a report of the Public Debt and summary of the revenues and expenditures of the Commonwealth for the fiscal year ending November 30, 1898:

SINKING FUND.

Cash balance in fund December 1, 1897,	\$1,179,888 69
From Allegheny Valley Railroad bond No. 24,	\$100,000 00
From interest on Allegheny Valley Railroad bonds,	57,500 00
From interest on United States Gov- ernment bonds,	111,000 00
From amount transferred from gen- eral fund for payment of interest on public debt,	269,371 50
From quarterly assignments from general fund, act of May 29, 1891,..	100,000 00
From fines for Sabbath breaking,....	3 96
From interest on sinking fund de- posits,	14,016 16
Payments for the year ending No- vember 30, 1898:	
By payment of interest on public debt,	269,371 50
By fiscal agent's compensation,....	4,000 00
By redemption of Chambersburg cer- tificate and interest on same,.....	8 38
	<hr/>
Balance in fund November 30, 1898,	<u><u>\$1,558,400 43</u></u>

PUBLIC DEBT.

Statement showing the indebtedness of the Commonwealth of Pennsylvania on the first day of December, 1898:

Unfunded debt and debt upon which interest has ceased:	
Relief notes, act of 1841,	\$96,132 00
Interest certificates unclaimed,	4,448 38
Interest certificates outstanding,	13,038 54
Chambersburg certificates unclaimed,	90 40
Domestic creditor,	25 00
Five per cent. bonds upon which interest has ceased,	18,414 70
Six per cent. bonds upon which interest has ceased,	2,000 00
	<hr/>
	\$134,149 02
Interest bearing debt:	
Three and one-half per cent. currency loan, due 1912,	\$1,642,900 00
Four per cent. currency loan, due 1912,	4,521,250 00
Six per cent. Agricultural College scrip bond, due 1922,	500,000 00
Six per cent. proceeds from sale of experimental farms,	17,000 00
	<hr/>
Public debt December 1, 1898,	\$6,815,299 02
Assets of the sinking fund:	
Allegheny Valley Railroad bonds,	\$1,100,000 00
Interest on same to November 30, 1898,	22,916 66
United States four per cent. bonds at 112,	3,108,000 00
Cash on hand,	1,558,400 43
	<hr/>
	5,789,317 09
	<hr/>
	\$1,025,981 93
	<hr/> <hr/>

REVENUES.

Statement showing the revenues of the Commonwealth for the fiscal year ending November 30, 1898:

Land,	\$2,009 80	
Tax on corporations,	6,915,056 49	
Tax on personal property,	2,722,245 58	
Tax on writs,	146,787 40	
Tax on collateral inheritances,	834,855 96	
Tax on direct inheritances,	3,811 85	
Licenses,	2,051,445 13	
United States Government,	111,131 56	
Allegheny Valley Railroad Company,	157,500 00	
Interest on State deposits,	41,207 37	
Fees of office,	163,981 09	
Tax on income,	80,957 54	
Annuity for right of way,	10,000 00	
Miscellaneous,	84,131 20	
		<hr/>
		\$13,325,120 97
Balance in Treasury November 30, 1897,....	5,136,700 02	
		<hr/>
		\$18,461,820 99
Expenditure of the Commonwealth for year ended November 30, 1898,	13,973,803 46	
		<hr/>
Balance in Treasury November 30, 1898,...	\$4,488,017 53	

This balance is made up as follows:

In general fund,	\$2,929,617 10
In sinking fund,	1,558,400 43
	<hr/>
	\$4,488,017 53
	<hr/>

EXPENDITURES.

Statement showing the expenditures of the Commonwealth for the fiscal year ending November 30, 1898:

Expenses of government,	\$1,779,192 52
Interest on loans,	273,379 88

Care and treatment of indigent insane,.....	778,700 30
Charitable institutions,	1,191,839 04
Miscellaneous educational institutions,	316,884 47
Penitentiaries,	121,163 77
Reformatories,	228,033 96
State tax on personal property returned to coun- ties,	1,961,973 59
Premiums from foreign fire insurance companies returned,	79,130 59
Analyses of fertilizers,	13,593 47
Live Stock Sanitary Board,	35,000 00
Common schools and county superintendents,...	5,782,185 08
Normal schools,	241,798 90
Soldiers' Orphan Schools,	163,969 18
Soldiers and Sailors' Home,	36,875 00
Chickamauga and Chattanooga and Gettysburg Battlefield monuments and commissions,	51,459 59
Hartranft monument,	15,800 00
National Guard,	205,042 82
Mobilization of troops at Mt. Gretna,	255,817 00
Hazleton riots,	16,000 00
Military claims,	601 29
Pensions and gratuities,	4,996 03
Harrisburg fire companies,	1,000 00
Escheat cases,	4,825 33
Refunded collateral inheritance taxes,	4,164 22
Purchase of unseated lands,	4,641 39
Special commissions,	6,533 20
Rebuilding bridges,	93,689 00
New Capitol building,	290,038 66
Counsel fees,	1,503 00
Miscellaneous,	13,973 03
	<hr/>
	\$13,973,803 46
	<hr/>

RECEIPTS.

Statement showing the receipts of the Common-wealth at the State Treasury for the fiscal year ending November 30, 1898:

Land,	2,009 80
Tax on capital stock,	3,304,850 18

Tax on loans,	1,227,590	64
Tax on gross receipts,	689,581	64
Tax on premiums,	56,529	13
Tax on premiums (foreign fire insurance companies),	620,922	08
Tax on bank stock,	560,458	71
Bonus on charters,	450,010	19
Tax on personal property,	2,722,245	58
Tax on writs,	146,787	40
Tax on collateral inheritance tax, ..	834,855	96
Tax on direct inheritances,	3,811	85
Licenses,	2,051,445	13
Fees of office,	140,432	81
Personal fees,	23,548	28
Tax on income,	80,957	54
Notary public commissions,	14,650	00
Fertilizer license fees,	13,490	00
Refunded cash,	12,001	31
Accrued interest,	5,113	93
Annuity for right of way,	10,000	00
Tax on notarial gross receipts,	4,480	73
Escheats,	14,157	44
Penalties,	191	57
Fines,	9,884	91
Conscience money,	141	25
Expenses of bank examinations,	14,776	58
Tax on building and loan associations,	10	46
Pamphlet laws,	342	99
United States Government war claim,	131	56
Interest on State deposits for six months,	27,191	21
		<hr/>
		\$13,042,600 85
Amount transferred to sinking fund,		369,371 50
		<hr/>
		\$12,673,229 35
Amount transferred from general fund to sinking fund,	\$369,371	50
Allegheny Valley Railroad bond No. 24,	100,000	00
Allegheny Valley Railroad Company, interest, on bonds,	57,500	00
Interest on United States Government bonds,	111,000	00

Fines for Sabbath breaking,	3 96	
	<hr/>	651,891 62
		<hr/>
		\$13,325,120 97
		<hr/>
		<hr/>

It will be observed that the net debt of the State is only \$1,025,981.93, and that no part of it can be paid until 1912.

The operation of the act providing for the payment of interest by banks in which the State funds are deposited shows that the interest paid into the sinking fund for the six months ending November 1, 1898, amounted to \$14,016.16, and into the general fund from the same source \$31,821.93.

While this interest law is an improvement, and indicates the enormous sums which the State might have received during past years, yet in my judgment, it does not correct the evil which it was intended to correct. The management of the State Treasury has, for many years, been the subject of public criticism. While it may be true the State has lost no moneys deposited in the various banks throughout the Commonwealth, it cannot be questioned that in the past the public funds have been used for political purposes by depositing them in favorite banks where such deposits were expected to yield returns in the shape of political influence. This system cannot be defended. It should not be in the power of any man to say what banks shall handle the millions of dollars that are annually paid in to the State Treasury. It would be far better for the State to receive no interest upon deposits rather than to suffer a system to continue which can be used for political purposes, and it is submitted that the evil will never be corrected until the State keeps its own money in its own vaults, as do many of the States and is done by the United States. Legislation of this character would be to the interest of all the people and a step toward better government.

If it be argued that this course would be locking up the public funds and taking them out of circulation, the answer is that the moneys should be promptly paid out to the schools and penal and charitable institutions and the cities and counties that are entitled to them, according to law. If this were done, the balance remaining in the Treasury from time to time would not be large.

EDUCATION.

During the four years ended June, 1898, the number of schools increased from 24,541 to 27,347, the number of graded schools from 12,869 to 16,842, the whole number of teachers from 26,241 to 28,080, the total enrollment of pupils from 1,040,679 to 1,143,100, and the estimated value of school property has reached nearly \$50,000,000. Free text books and supplies were furnished in all the schools. The total amount of money raised and appropriated for educational purposes by local and State taxation during the four years was \$60,651,541.13.

The last message to the General Assembly recommended changes in the method of distributing the school appropriation and the recommendations were enacted into law. Under the old law the State appropriations was distributed according to the number of taxable citizens residing in each district. The new distribution is made upon a three fold basis: one-third upon the basis of the number of children between six and sixteen years of age; one-third upon the number of teachers regularly employed; and one-third upon the number of taxable citizens residing in the district. Under the former law the rate per taxable, for 1897, was \$3.28. Under the present law, for 1898, the rate per child is \$1.62, the rate per taxable \$1.07; and the rate per teacher \$66.07. These amounts are slightly diminished in those counties which contribute an in-

creased portion of their appropriation to the salary of the county superintendent.

To show the comparative effect of the new law upon the sparsely settled districts, the case of Watson Independent school district in Lycoming county may be cited:

1897. Nine taxables at \$3.2445,	\$29 20
1898. Seven children between six and sixteen at \$1.62,..	11 34
1898. Twelve taxables at \$1.07,	12 84
1898. One teacher at \$64.42,	64 42
<hr/>	
Total,	\$88 60
<hr/>	

The most progressive states in the Union have adopted the policy of making the wealthiest sections contribute toward the education of children in districts with the least taxable property. For instance, in 1896 the City of New York paid 46 per cent. of the entire state tax levy for school purposes and received back 16 per cent. The figures for 1897 do not furnish a basis for comparison, because the money raised in Kings county was paid to Greater New York; but in 1896 the former City of New York, with an accredited population of 1,801,639, received from the state for school purposes \$696,394.71, while Philadelphia, with a much smaller population, receives, under the new law, \$870,204.57. Hence under the new law our State is more liberal to the centres of population than is the State of New York.

In the State of New York every school is required to be in session at least eight months in the year, and in New Jersey the minimum term is nine months. In Pennsylvania there are 867 districts which do not keep their schools open more than six months. In 242 of these districts the rate of the local tax levied is very low, not more than two mills. Moreover, some of the teachers receive grossly inadequate compensation for

their year's work. Superintendent of Public Instruction Schaeffer calls attention to the astonishing fact that the wages of some teachers for the annual term does not equal the average annual cost of maintaining a pauper in the almshouse. The increased appropriation now paid to the sparsely settled rural districts should be used either to increase the wages of the teachers or to lengthen the school term. The time has undoubtedly come to add at least another month to the minimum term allowed by law.

The century just closing has proved that the earning power of the industrial classes depends most of all upon their intelligence, and that the best markets of the world are controlled by the nations which have been foremost in banishing illiteracy and in making ignorance impossible. To give her sons an equal chance with those of other states and nations, Pennsylvania must give them as good educational facilities as are possessed by any other Commonwealth or country upon the face of the Globe.

The Department of Public Instruction has reports from 217 high schools, with an attendance of 24,123 pupils. Since most of these high schools are located in the cities and boroughs, it is easily seen that the scholars in the rural districts do not enjoy as good school advantages as those living in the cities and boroughs. If the country boy and girl are not to be handicapped in the fierce industrial competition of the Twentieth Century the State must encourage the establishment of high schools at central points in rural districts, and this can be best accomplished by a judicious appropriation in aid of township high schools. Common justice demands that something should be done toward bringing instruction in the elements of science nearer to all our people who are engaged in tilling the soil or occupied in adding to the Commonwealth at places remote from centres of population.

Legislation allowing the establishment of Kindergarten, making attendance at school compulsory, and providing for the transportation of children under certain conditions, is bearing good fruit, and the results of recent legislation in favor of the establishment of school libraries are especially gratifying.

CHARITABLE AND PENAL INSTITUTIONS.

The humane and economic care of the different classes of the indigent insane, as well as the proper management of the penal institutions of the State, will, I doubt not, call for additional legislation.

The State hospitals contained at the close of 1897 over 1,500 patients in excess of their capacity, and 240 more than during the previous year. The annual increase in the number of indigent insane in all the institutions in the State is about 550 new cases. If they were all to be provided for in State hospitals, considering the increasing number of new cases, it would require the erection of a new State hospital every three years at a cost of from two millions to three millions of dollars for each new institution.

A large proportion of this overcrowding element in the State hospitals belong to the class of quiet, chronic insane, which might be suitably provided for in county institutions at a greatly reduced per capita cost. A recommendation was made to the Legislature of 1897 for legislation whereby a county, municipal or poor district, that would furnish suitable quarters, care and treatment for its indigent insane, under the supervision and direction of the Board of Commissioners of Public Charities, would receive from the State Treasury the sum of \$1.50 per week for each individual so maintained. At the same time a bill for this purpose was introduced which became a law on the 25th day of May, 1897. Immediately upon its passage, many of our counties and local districts availed themselves

of its offer for maintenance and began to provide for their own insane. Indeed, the favor with which the system has been received clearly points to a general relief of our State institutions and consequent freedom from the necessity of erecting additional palatial State hospitals at vast expenditures of public moneys.

Chester county is now erecting a substantial asylum, which will relieve the State Hospital at Norristown, in the future, of cases from that county. In Luzerne county, the directors of the Central poor district are constructing a fire-proof asylum with a capacity of 400 inmates, which, with the facilities furnished at the Hillside Home Hospital and the Ransom Poor Farm, in Lackawanna county, cannot fail to relieve the State Hospital at Danville. Allegheny county has largely relieved the Western Pennsylvania Hospital, at Dixmont, by the erection of the new hospital at Clermont, and by the extension of capacity at the Pittsburg City Farm. The new county asylum at Woodville, now in course of erection, will afford still further relief to this overcrowded State institution. The Philadelphia Hospital was materially enlarged during the past year, and its further extension is under consideration. Elk, Butler and Clearfield counties, which, prior to the "County Care Act," had no provision for their poor, have erected a county home, and in Forest and Clarion counties plans are being drawn with the same object in view. Lancaster county is now completing an asylum building, in addition to the existing insane department. Important changes and improvements have been introduced in the Adams county asylum, as well as at the Erie, Cumberland, Franklin, Blair, Somerset and Washington county homes. I have information that a considerable number of other counties are favorably considering the adoption of "County Care," which have as yet taken no decisive action.

It would appear that the plan of local care inaugu-

rated by the act has been favorably received and has had a fair start in Pennsylvania. The system has had eighteen years of successful existence in Wisconsin and other states are adopting it.

"County Care" plan naturally applies to the chronic or quieter, more abled bodied classes of our insane. The latter form the larger proportion of the population in the State Hospitals. The withdrawal of these to the county institutions removes the pressure and leaves the acute, curable and relievable insane for the expert medical treatment, active nursing and extra dietary which their several cases demand. This will greatly facilitate the opportunities for better results of treatment.

The present average per capita cost for maintenance in the State hospitals ranges but little less than the \$3.75 fixed by law. While this sum is not extravagant, as applied to treatment of acute cases and those requiring true hospital care, it certainly is extravagant and unnecessary as applied to the actual requirements of the quiet, chronic cases.

While the "County Care" plan has resulted in a large proportionate saving to the counties which have tried it, it should not and does not necessarily relegate the latter class to an inferior quality of "poor house" care. The character of the accommodations and the quality of dietary and treatment have been carefully safeguarded in this law. It is within the power of the officers of the Commonwealth to compel, if necessary, the requisite quality of care and treatment. The experience of other states, and for the past two years that of this State, make it now quite safe and conservative to encourage the counties to care for that class of insane which has been described. It is far cheaper for the county, more economical for the State, furnishes equal, if not better, treatment in the county institutions, relieves the State hospitals and gives them the

opportunity for more careful treatment of violent and curable cases, as well as the increasing number applying for admission.

EPILEPTICS.

There is now urgent need of separate hospital care for indigent epileptics and the epileptic insane. There is no chronic brain malady, insanity excepted, that renders helpless so large a proportion of our citizens, or that appeals more powerfully to human sympathy. It is surprising to know that there is one epileptic in every thousand persons in this Commonwealth. Many of the most dangerous homicidal lunatics in the State institutions are subjects of epileptic mania, or cases in which epilepsy complicates some form of delusionary insanity. In the five State hospitals for the insane there are now confined 520 cases of epilepsy in its different forms. Add to these those now in the county homes and poor houses and the total exceeds 700. Out side of these institutions there are a large number, indigent and dependent, who, under proper protection and care, might be in some measure relieved and made self sustaining.

Epileptics have no true place in the hospitals for the insane. If scattered through the hospital community the shocking sights and results of their frequent seizures react most unfavorably upon the non-epileptic patients, whose evidence of mental disorder also react unhappily upon them. If all epileptics were placed together, without opportunity or space for proper classifications, they then react unfavorably upon each other. They should be gathered together in an institution specially designated for their care, such as the states of Ohio, New York, Massachusetts and California have provided, or the two private institutions in this State. The State would do well to purchase a farm of about 500 acres in extent, and erect thereon a

hospital, on the cottage plan, each cottage to contain a limited number of inmates suitably classified. The institution should be distinctly industrial, it being advantageous and helpful for many of the patients to have outdoor exercise, where they can contribute toward the cost of their own maintenance. Proper treatment of epileptics involves the individual features and demands of each case, which requires study, and the treatment, mode of life, occupation and amusement regulated accordingly. The happy results of the separate institution treatment have been both surprising and gratifying. Farming, gardening, horticulture, domestic work and the variety of mechanical arts are well adapted, in a wholesome country air, free from anxiety, noise and excitement, for the improvement of the average epileptic.

CONVICT INSANE.

In the Biennial Message to the General Assembly of 1897, it was urged that a separate institution should be provided for the convict insane. It was urged that to require inoffensive citizens, whose only misfortune is the dethronement of reason, to have daily and hourly association with convicts who become insane while serving out their sentence, is both unmerciful and inhuman. The convict insane, as a rule, are a dangerous class, their insanity reacting most unfavorably upon their evil dispositions, requiring a combination of prison and hospital care. None of our ordinary hospitals for the insane combine these requirements. Convict patients frequently escape from them and thus become a menace to the community. Prisoners serving sentences have been known, not infrequently, to feign insanity in hope of being transferred to a hospital from which they may escape. Since the detention of insane convicts is so manifestly unwise and undesirable in either the hospital or the ordinary prison, their

proper refuge should be in a separate institution combining both methods of treatment. There are about 200 insane convicts in the different State institutions, of which 125 are in the State hospitals, to which they were committed, by orders of court generally, from the penitentiaries and county jails. There are now thirty-five in the penitentiaries and jails and the remainder in certain county almshouses, having departments in which insane are received and treated. The most suitable, convenient and economical plan for the proper segregation of this class would be the erection of a separate, specially constructed and equipped hospital, upon the site and within the guard walls of some of our State penitentiaries. The necessity for prompt action is constantly present in every institution caring for an insane convict.

COUNTY PRISONS.

The Board of Public Charities has, for many years, called attention to the deplorable condition of the county prisons, and recommended such legislation as would bring about a complete reform in the conduct of the penal institution of the Commonwealth. A bill was introduced at the last session of the Legislature with this object in view. This bill failed to pass, but a resolution appointing a commission to inquire into the matter, and report to the Legislature at its next session, was adopted.

A bill has been drafted by this commission, and, I am informed, unanimously approved by its members, which embraces substantially all the features which had been recommended in the last Biennial Message. The Board of Public Charities recommends the passage of this bill, and I hope it will receive favorable legislative action.

Since the opening of the institution for the care of feeble-minded children at Polk, Venango county, am-

ple accommodation has been afforded for such of the feeble-minded as are capable of remedial treatment, but as yet the large number of children known as moral idiots, who require custodial care, is not sufficiently provided for. They are unsafe members of the community and contribute largely to its criminal classes. They should be accommodated in buildings especially adapted to their care, and separated entirely from the harmless children of this class. For this purpose, the Board of Public Charities has recommended the erection of an additional building at Polk. It is also recommended that a similar building be erected at the Elwyn institution.

ATTORNEY GENERAL'S DEPARTMENT.

An unusually large volume of business has been transacted by the Law Department of the Commonwealth during the last four years, having special reference, however, to the period of the last two years. Large sums of money have been collected by adverse proceedings against the various corporations and individuals, and the business of the Law Department of the Commonwealth has been constantly on the increase. During the courts held in the month of December, 1898, more than 350 contested cases, in which the Commonwealth was plaintiff, were finally disposed of.

In the month of December, 1896, a number of cases were tried in the court of common pleas of Dauphin county, in which the Attorney General raised the question that, for purposes of taxation, the phrase "capital stock," as used in the revenue laws, meant, not the value of the shares, which, in many cases, were worthless on account of the large bonded indebtedness of the companies, but that the true meaning was that the property of the corporation itself should be taxed. This contention of the Attorney General was sustained

by the court below and subsequently affirmed by the Supreme Court. The effect of these decisions is perhaps not generally understood. They will bring to the Commonwealth a very largely increased revenue. The assessment upon the capital stock of corporations has always heretofore been made upon the market value of the shares, and in numberless instances these shares were valueless on account of the large bonded indebtedness. In many cases these bonds were held in other states or in foreign countries, and thus escaped taxation, so that corporations of this character have heretofore escaped taxation, while solvent corporations were paying the taxes. It is, of course, difficult to state at this time, with any degree of accuracy, the amount of increased revenue that these decisions will bring to the State Treasury, but that it will be very large is apparent. To illustrate, taking about 330 of the cases tried during the month of December, 1898, the companies' sworn appraisal of the value of their capital stock was, in the aggregate, a little over nineteen millions of dollars. The verdicts obtained gave the Commonwealth the right to tax more than thirty-nine millions of dollars against the same corporations, the valuation being made upon the principle laid down by the Supreme Court in the cases before stated, finally decided in October, 1898, thus showing that, in these cases alone, twenty millions of dollars of property were made taxable which had never before been taxed. When it is remembered that there are about 3,000 corporations in the State that pay taxes upon capital stock, and the 330 cases that have been disposed of were, many of them, against what might be termed the smaller corporations of the State, it will be readily seen that the decisions of the Supreme Court above referred to are of infinite importance to the Commonwealth and may make is unnecessary for increased revenue legislation.

Appertaining to this Department, I respectfully call your attention to a subject that seems to require legislation. Under the laws of our State, a corporation can be chartered for but one object or purpose. It can do but one thing. It has been held by the courts, and has been constantly the practice in the State Department, in pursuance of judicial authority, that dual subjects, if contained in the same application, will deny to the applicants the charter applied for. Under the laws of several states other than Pennsylvania, charters are granted for as many objects and purposes as the applicants desire. They are allowed to name almost limitless objects of business in their charter. Then, under our act of 1874, which was passed in recognition of the comity between the several states of the Union, licenses are applied for by these foreign companies to do business in this Commonwealth. They pay a trifling license fee and enter into competition with our own citizens, and are possessed of far larger and more important powers than we give to our own people. And still further, they claim exemption from taxation, except on their tangible property within the State, because of the fact that as the corporation is a citizen of another State, its property follows the citizenship of the owner, the corporation, and, therefore, cannot be taxed. This practice has grown to such proportions that I earnestly recommend such legislation as will correct it.

DEPARTMENT OF AGRICULTURE.

This branch of the State Government, since its organization by the act of 1895, has been largely advanced and made more valuable to the agricultural interests than ever before.

The following statement, vouched for by the Depart-

ment, shows the comparative cost of the agricultural departments of three representative states:

Population, Last Census.	Annual Cost.	Per Capita Cost.
Ohio, 3,672,316,	\$57,400 00	.01 6-10
New York, 5,997,853,	178,119 41	.03
Pennsylvania, 5,258,014,	61,410 00	.01 1-6

LIVE STOCK SANITARY BOARD.

The live stock of the State represents approximately \$130,000,000 of invested capital. All civilized countries and nearly all the states of the Union have found it necessary to adopt measures to prevent and suppress contagious diseases among animals. The State Live Stock Sanitary Board has found a willing response from the herd and flock owners to the efforts made for suppressing outbreaks of dangerous, infectious and contagious diseases, but there is yet much to learn and much to do in the use of practical methods for the protection of exposed animals.

During the first year of the operation of the Board the percentage of tuberculosis found in infected herds was 22 per cent. The past year this has been reduced to 12½ per cent. The Board has been successful in suppressing outbreaks of rabies where whole counties were anxious and alarmed; in checking outbreaks of anthrax that threatened a large section of the State; in suppressing black-quarter on farms where it had been for many years impossible to rear young cattle

profitably; in nearly eradicating glanders, formerly so prevalent and destructive; in reducing the prevalence of hog cholera, and, more important than all, in controlling tuberculosis of cattle.

By the provision made by the General Assembly it has been possible for the Board, during the past year, to carry on a series of investigations in relation to infectious diseases, which show results that must be of general benefit to animal husbandry. Through these investigations much information has been obtained concerning imperfectly understood diseases of animals, and improved means of prevention and cure have been developed. All of these results will be made public through the report of the Department of Agriculture.

FORESTRY.

The last General Assembly was in earnest sympathy with the necessity for advanced forestry legislation, and the result of its wise efforts has perfected a system of forestry protection which is believed to be unequaled in the land. Up to November 30, 1898, 55,681 acres of unseated woodland situate upon the headwaters of the larger rivers, have been purchased by the State for forestry reserves. Much of this land is subject, under the law, to redemption by the former owner within two years of the purchase. Enough, however, has been done to prove the feasibility of establishing, at moderate cost, a large forestry reserve on the headwaters of our principal streams.

The people need to be made more familiar with the necessity for forest care and culture and the dangers attendant upon deforestation. It would be of great advantage to provide, in some of our State institutions

of learning, for systematic instruction in practical and scientific forestry, as is now being done in New York, and as has long been done in Germany, France, Switzerland and Italy.

THE OLEOMARGARINE LAW.

The Department of Agriculture has been almost halted in its attempts to carry out the oleomargarine law, which makes it unlawful to sell that commodity within the State. A committee appointed by the last General Assembly to investigate and report on the pure food laws was unable to satisfy the people as to the best policy to be pursued. The constitutionality of the statute was attacked, and the Supreme Court of the United States ruled that no state had the right under the Constitution to prohibit the importation of a food product, and that, so far as the act related to oleomargarine in the original package, our law was unconstitutional. At least one common pleas court has pronounced the entire act unconstitutional. These decisions made it practically impossible to enforce any of the provisions of the act.

The original intention of this legislation was to prevent the sale of oleomargarine in this State, because it was generally labelled and sold as butter, and its use and consumption were alleged to be unhealthful. If the latter proposition be true, the existing pure food laws would reach the offender. If oleomargarine were sold for what it really is, and not deceptively sold as butter, the sale would not be within the reach of the pure food law. The conclusion appears to have been reached by dealers, dairymen and those most interested, that oleomargarine should be treated as are agricultural fertilizers. Levy a tax fee upon all dealers therein, and use the fund thus accumulated to pun-

ish all who falsely attempt to sell it as pure butter. In other words, allow its sale for what it is, if not injurious to public health, and punish all who falsely sell it as butter. A modification of the law to this extent is respectfully suggested.

FARMER'S INSTITUTES.

During the past four years there have been held 723 farmers' institutes in different sections of the State, the average maximum of daily attendants at each institute being 357, thus reaching over a quarter million people interested in the advancement of agricultural methods. Over 1,000 speakers and essayists addressed these meetings. It should not be deduced from these facts that the Pennsylvania farmer, compared with his fellows in other states, is lacking in the knowledge of the best and most productive methods of modern agriculture and co-related industries. Far from it. The Pennsylvania farmer has raised his own standard to that degree of intelligence which marks him as the leader in agricultural efficiency and enterprise. This position has been reached mainly by the public dissemination of that knowledge and experience which has enabled him to make the most of soil and climate. As a means to that end, the farmers' institutes have been invaluable. They bring into every community the intelligent and advanced thought on every subject relating to scientific farming. They infuse new life into the farm routine; encourage the new departure in methods; they set the husbandman to thinking and experimenting, and add to the pleasure and profit of farm life. A sufficient annual appropriation to carry on this institute work is a necessity. The amount now appropriated is too small.

STATE SANITATION.

We have now come to a point where the people of the State must determine whether the rivers and other public streams shall continue to be used as public sewers, or whether the waters thereof shall be kept pure. Owners of property through which or past which a public stream flows, seem to have falsely concluded that the stream itself is a private property, to be dealt with as the owners choose. They use it as a common carrier or depository of all the substances of which they desire to rid themselves. The refuse of mines and factories invades its shores and unite with the solid refuse of tanneries and slaughter-houses, the garbage and night-soil of public institutions, factories, villages and towns, the carcasses of animals dead of disease, the output of abandoned salt wells, and the washings of vast culm deposits, which frequently force it from its ancient shores.

As our population increases, these conditions become worse, and if they are to be longer permitted, the cities and towns of the State must look elsewhere for their water supply. There are few of our rivers and larger streams that do not carry the germs of diseases, gaining in their unhealthful condition more and more as they flow onward to sea. It must be admitted that it is impossible to avoid all degrees and forms of public water contamination, but it has been demonstrated that to a large extent it can be eradicated.

Two cities in the State, Altoona and Reading, with the most praise-worthy public spirit and consideration for the health of the populations living lower down, have lately established purification plants for their sewage. These plants, although entirely unlike in construction and manner of purification, afford ample demonstration of the fact that purification of the sewage of large towns is a matter entirely within the reach

of sanitary engineering. The scourge of typhoid fever, which devastated our military camps during the past summer, has brought us face to face with this question. No community can remain healthy while forced to use a contaminated water supply.

The wise provisions of the act of May 11, 1893, enacted for the purpose of preventing the introduction and spread of infectious or contagious diseases, have been beneficial. Almost every city and borough has now a board of health. The law should be extended so as to apply to the entire State. The recent serious outbreak of small-pox in an interior county affords the latest and best argument for its extension. Being confined to cities and boroughs, the jurisdiction of the boards of health does not cover more than one-twentieth of the area of the State, and leaves at least one-half of our population unprotected. Inquiries are coming to the State Board asking why those who live in the rural districts and villages are not equally entitled to protection for life and health with those who live in large cities. The latter Board denies the generally received understanding that the country districts are naturally so healthy that there is no need for laws to prevent disease. They have furnished unofficial statistics to show that typhoid fever has long been known to be a disease of the country village and farm, and that the contagious diseases peculiar to children, such as scarlet fever, diphtheria and measles, run riot among the pupils of the country public schools. There can be little doubt that if the provisions of the law should be extended as herein suggested, and faithfully observed, the results would be seen in diminished mortality among the children of the State.

The quarantine for the port of Philadelp^hia should, in my judgment, receive enlarged powers and facilities, and, if the treasury will warrant it, should have a quarantine boat, to be made of steel, constructed to

meet the emergencies of the service, and with a high rate of speed, so as to reduce the detention of traffic to a minimum. You will regard with anxiety the possibility and danger of the entrance into our port of contagious diseases, and in view of our more intimate relations and increased traffic with the West Indies, will consider whether the experience of the past two years has not demonstrated the fact that it is not safe for a great city to depend entirely upon a quarantine station one hundred miles distant on the sea coast.

STATE TOPOGRAPHICAL SURVEY.

The United States Geological Survey has offered an accurate topographical survey of the State upon a single condition. The data for the map are obtained from the actual surveys; the maps are drawn and engraved in excellent, durable style and published in sheets, each representing about 220 square miles, at a scale of one mile to one inch. The condition upon which the Government will perform this work is that the State shall pay one-half the cost of the actual field work.

Massachusetts, Rhode Island, Connecticut and New Jersey have already had their topographical maps completed under this arrangement and the work is progressing in New York, Delaware and other states. A number of years ago our anthracite coal fields were surveyed and mapped and some work was done along the Upper Delaware. A topographic map of the State, when completed, will be of great value to all our people, particularly valuable to our land owners. The cost is comparatively small, the work is accurate and the maps are brought within the reach of all. It is recommended that a small appropriation for this purpose be made.

NAVIGATION OF THE DELAWARE.

I respectfully urge your honorable bodies to memorialize the Congress of the United States in the interest of a sufficient channel in the river Delaware. Vessels of the heaviest draught should be provided a safe roadway from the sea, at least as far as the port of Philadelphia. The people of Pennsylvania, New Jersey and Delaware are vitally interested in this matter. Pennsylvania and Philadelphia will never take the rank to which they are entitled among the commercial states and cities until the latter is provided with advantages and facilities equal to any other seaport on the Atlantic coast. It always should be, and doubtless will be, the policy of the Government to lend a hand in aid of every project tending to the advancement and enlargement of the country's commerce. The question is now engaging the public mind, perhaps, to a greater degree than ever before. A proper appropriation for the purpose is justified by the commercial importance of Philadelphia and by the volume of products tributary to the Delaware river. A sufficient channel from the sea and an adequate harbor in Philadelphia are, moreover, necessary for the proper utilization of the League Island Navy Yard, owned by the Government as well as the ship yards on the river, and to meet the cheaper transportation afforded by heavy draught vessels, as well as to avoid what would otherwise be unfair discrimination against the State and the city.

PUBLIC PRINTING.

The Department of Public Printing urgently requires legislative readjustment. A clause in the Constitution prevents the State from doing its own printing. Otherwise it would be recommended that the State follow the general plan of the National Govern-

ment, which does its own printing at first and very moderate cost.

The schedule of prices provided in the act of May 1st, 1876, should be revised and brought up to meet the present day processes of printing, engraving and binding. Improvements and inventions have produced so many changes in these three particulars that it is quite impossible, under the present law, to make a contract by which the successful competitive bidder can be found for every kind of printing and engraving required by the different departments. The present schedule makes no provision for certain kinds of printing and engraving, and the law does not give the Superintendent power to make contracts for work not on the schedule. This opens the door for the Public Printer to charge what he sees fit for work or illustrations that are not on his contract schedule. The only safeguard against this is that provision of the law requiring the approval of the printer's bill by the Superintendent of Public Printing after the work has been completed.

Again, the law fixes no limit upon either the quality or quantity of the composition entering into the departmental reports. It is apparent from the act that it is the duty of the Superintendent to receive all orders from the Legislature and from the heads of the respective departments and to see that they are properly executed by the Public Printer. The head of each department is responsible for the orders given, and it is merely the duty of the Superintendent to require that the work be executed according to law.

All departments of the State service are growing in volume of business and consequent importance, and the principal duty of the Superintendent is to receive the manuscripts, see that they are printed according to law and to approve the bills, if in conformity with the contract price. There have been glaring instances

of attempt to charge the State exorbitant prices for work done by the Public Printer, where the price was not named in the schedule or provided for in the act. None, however, of those who made the attempts have held office since the fact was discovered.

The remedy now suggested is, first, to revise the printing schedule of the act of 1876 and bring it up to date, so as to make it possible to have competitive bidding on every quality and kind of printing, binding and illustrating in accordance with modern improvements; and, second, to establish a Board of Public Printing, to be composed of the Governor, the Attorney General and Secretary of Internal Affairs, to supervise and pass upon all matters proposed to be printed for the different departments and to have general supervision of all printing, the Superintendent of Public Printing to act ministerially for the Board.

INSURANCE DEPARTMENT.

The Insurance Commissioner, in his recent report, has urged the necessity of a revision of the insurance laws. It raises questions of great importance. The Insurance Department was created in 1873, and many of the acts of Assembly passed in that year and in 1876, have, by lapse of time, become inadequate by reason of the fact that radical changes have been made, not only by the insurance companies themselves, in their methods of doing business, but because of certain judicial decisions construing those acts of assembly. The fact that mutual life insurance companies and mutual fire insurance companies have been allowed, by the decisions of the courts, to take single cash premiums and agree, in the policy or otherwise, that the member should be subject to no further assessment, seems to be a destruction of the mutual plan apparently intended by the Legislature in passing the laws. Notwithstanding that it has been so held, the vice to be corrected is

that such companies keep little or no reserve for the payment of their death claims or fire losses, as stock companies are required to do under existing laws.

This is an exceedingly important department of the State Government. The administration of the duties of the Insurance Commissioner during the past four years is entitled to commendation. The law has been faithfully and intelligently executed.

The act of 1870, forbidding the issue of fire policies except by duly authorized corporations, I recommend to be extended to include life, accident, marine and all other forms of insurance. It would be wise, in my opinion, that the General Assembly appoint a commission to revise the insurance statutes for the future consideration of the Legislature. Such commission should be composed of those who have expert knowledge of the different systems and technique of insurance, and should include the Attorney General of the Commonwealth and the Insurance Commissioner.

DEPARTMENT OF BANKING.

The Banking Department, created in 1891 and reorganized and enlarged by the act of 1895, has grown to be exceedingly important. The number of examinations of institutions under its supervision was 63, 1893, and 104 in 1894. To-day it has under its control 1,460 corporations, including building and loan associations.

Recent failures of State financial institutions and building and loan associations have called attention to the apparent necessity for several amendments to the law relating to this Department. It is respectfully recommended that the law should be amended in the following particulars: The percentage of loans to officers and directors of trust companies and other finan-

cial institutions should be limited or fixed by law. A fixed percentage of cash in proportion to deposits should be required to be kept as a reserve fund. All corporations having power to receive and administer trusts should be required to set apart permanently a fixed percentage of its earnings as a reserve for the additional protection of the trusts committed to their custody. The holding of stocks of other corporations as investments by financial institutions should be controlled by judicious legislation. The sixteenth section of the act of 11th February, 1895, should be so modified as to permit the Banking Commissioner, upon proper cause shown to give information to officers, directors and stockholders of the condition of corporations in which they are interested, as disclosed by special examinations. Foreign building and loan associations should be required to pay a license fee for the privilege of doing business in the State, sufficient in amount to cover the expense of proper examinations of such foreign corporations.

SOLDIERS' ORPHAN SCHOOLS.

The number of soldiers' orphans now being educated at the Soldiers' Orphan Industrial Schools at Scotland, Hartford, Chester Springs and Jumonville is about 1,120. There are on file applications of about 300 awaiting admission. It is impossible to provide, under the present appropriation, for more than are now being cared for. While the number of soldiers' orphans is diminishing, it will be a good many years before the schools can be closed for lack of patronage. There are a considerable number of attendants whose ages are between six and seven years and many applicants for admission under six years of age.

It is the judgment of the Commission that all the

soldiers' orphans should be brought under one management at the Scotland Industrial School. The facilities at this place for industrial education are far better than at the other schools. The other establishments are rented properties, the Scotland School being the only one owned by the State. It will require the addition of a number of cottages. This will be carrying out the purpose contemplated in the act establishing the Scotland Industrial School and which, it is presumed, has been delayed by a lack of funds. To unite the schools would eliminate the expense of occupying leased properties, reduce the number of instructors, make it possible to systematize the discipline and method of education and would, altogether, be much more economical than under present conditions.

I further recommend that the act of 1893, which provides only for the "children of honorably discharged soldiers, sailors or marines who served in the war for the suppression of the rebellion," be so amended to include the orphan children of Pennsylvania soldiers who served in the war of 1898.

BUREAU OF MINES.

The reports made to your honorable bodies from the Department of Internal Affairs will so well commend themselves to your judgment that I have no further suggestions to offer, excepting to call your attention to the Bureau of Mines, as organized under the act of 1897. The purpose of this act was to unite, under one supervision, all laws relating to the mining of both anthracite and bituminous coal, by putting a head on the body that has been so long without one. The mine inspectors have been required to furnish narrative reports of each day's work done by them, the daily expenses incurred, and to inform the chief mine inspector

at stated intervals of the exact condition of each mine. In fact the interrogatories submitted to them, if truthfully answered, could not fail to furnish the chief inspector with the exact condition of every coal mine in the State. This information enables him to take precautionary measures and, in many instances, to prevent accident and loss of life.

It is appalling to contemplate the fact that, either through the carelessness of the miner, the mine boss, the superintendent or the mine inspector, so great a measure of accident and loss of life has resulted in the brief period elapsed since the organization of the Bureau. It appears, from the reports furnished, that from the organization of the Bureau up to December 1st, 328 persons have lost their lives and 970 have been injured, in the anthracite districts, and in the bituminous districts 172 persons have lost their lives and 305 have been injured. While a large number of these disasters was due to the carelessness of the injured, the records show that many of them could have been averted if those in authority had exercised proper care and discipline in and about the mines. It was found, in many mines, that there were no instruments with which to measure the air currents, and in many more the instruments were in such bad repair as to be almost valueless. This has been remedied. The Chief of the Bureau called upon the Courts in several counties to restrain the owners from operating dangerous mines in contravention of the mine laws, and in every case his action was sustained. In other cases, where notice was given to mine owners who were operating contrary to the mine laws to suspend operations until the cause of danger was removed, they wisely did so.

Five mine fires were reported from anthracite mines, whereby several men lost their lives and others were severely burned. Three cave-ins were reported, in one of which two men were entombed and lost their lives.

These cave-ins are a menace to the lives of the workmen and often damage surface property to the serious detriment of the owners. This calls for legislative action. Something should be done to guard against it. Some operators are protecting their miners and their property by flushing culm into the worked-out portions of the mines. This appears to be an excellent preventive. It does away with the unsightly culm banks, makes it possible to secure a greater percentage of coal and, at the same time, prevent extensive cave-ins. Five mine fires have been reported in the bituminous districts, at one of which three men lost their lives, and one cave-in has been reported, from which no injury to life resulted.

Regarding the causes of accident, it must be said that while a number were due to carelessness of the injured, the records show that many of them could have been avoided if those in authority had exercised proper care and discipline. The law requiring certified foremen does not meet all the requirements of safety. Experience has shown that the superintendent is the one upon whom the law should impose educational qualifications, inasmuch as he issues orders and directs the operation of the mine. As the law now is, he is not required to assume any of the responsibility so long as he has a certified mine foreman. At the time the law requiring certified mine foreman was enacted, it was undoubtedly a beneficial provision, because it created an incentive to those who aspired to the position to acquire the necessary education and demonstrate the proper amount of experience. The conditions then existing have changed. To-day there is a sufficient ground from which to acquire mining knowledge, mine foremen, and mine superintendents.

The head of the Bureau should have the power to employ and remove all those connected with and responsible to the Bureau who are unfit for their posi-

tions. This important branch of material development should not lack for sufficient help. There should be, besides the Chief, an educated mining man as deputy, and the clerical force should be adequate. No department of material development in the Commonwealth calls for more well considered and careful supervision to safeguard the health and lives of those engaged therein. The mine owner, the mine superintendent and the mine foreman hold in their hands the lives of a most valuable part of our industrial economy.

HAZLETON RIOTS.

On Friday, September 10, 1897, at about 10.30 P. M., the sheriff of Luzerne county informed me by telephone that a collision had occurred between himself and his deputies and that a large number of miners and employes about coal mines in the vicinity of Hazleton, in which eighteen miners were killed and a large number wounded; that it was estimated that 10,000 miners were participating in a strike; that the excitement was great and the strike seemed to be spreading into adjoining counties; that the situation was threatening and likely to result in further loss of life and destruction of property, and that he felt unable to cope with the emergency and called upon the State to send armed troops. A few minutes later, there was received by telegraph the report of a public meeting just held by the citizens of Hazleton, at which resolutions were passed declaring the necessity for prompt action upon the part of the State authorities and expressing fear that unless the military force were sent there at once great loss of life and property would ensue. From these and other sources, it was learned that about 10,000 men were then participating in a strike. The situation became so alarming that the sheriffs of Schuylkill and Carbon counties notified me of their inability to preserve order and protect property, and called for troops.

The region in which the disturbances had been occurring for a week previous, covers a territory of about 27 square miles, and embraces, in addition to Hazleton, a number of mining towns and settlements. Information received during the night indicated that strikers were assembling at different points with the intention of marching on Hazleton at daybreak to avenge the death and wounding of their fellow workmen, and that threats of burning and pillaging the city were being made.

The situation was alarming and called for prompt action. At 11 o'clock that night orders were given by telephone directing the Third Brigade, National Guard, General Gobin commanding, to report forthwith at Hazleton, the First Brigade, General John W. Schaal commanding, was ordered to be ready to follow at an hour's notice. The Division Commander, Major General Snowden, came to Harrisburg at once and assumed command. The Ninth regiment arrived at Hazleton first, fully armed, equipped and supplied with rations, and with more than 90 per cent. of the command present. This regiment reached Hazleton within seven hours and forty-five minutes after its colonel received the order to move. The other regiments having longer distances to travel, arrived during the day, and before evening 2,499 officers and men, 91 per cent. of the entire strength of the Brigade, were under canvas and supplied with rations. The First Troop, Philadelphia City Cavalry, the only command of the First Brigade sent forward, arrived on Saturday.

From the moment the first troops reached Hazleton, there occurred not a single collision or outbreak, nor was there a shot fired by the troops. The community soon returned to normal conditions, and on September 24th troops began to break camp, the last organization leaving October 4.

The reverence in which the law relating to the posse comitatus is generally held has frequently placed the sheriff and those whom he has called to his aid in a position which, under existing conditions, could not have been anticipated by the framers of the original law. When 5,000 or 10,000 men have assembled to accomplish an unlawful purpose, or to accomplish a lawful purpose in an unlawful manner, the sheriff and those who are willing to come to his relief are altogether powerless. It is almost impossible to induce prudent men to take their lives in their hands, in response to the sheriff's call under such conditions. I am of the opinion that where the exigencies of the case indicate that destruction of life and property are imminent and that the sheriff is unable to obtain the assistance of a posse equal to the emergency, the presence of armed troops to defend the peace and dignity of the Commonwealth and enforce the laws is both justifiable and necessary and far more sensible than to wait until the sheriff and his posse are routed, life taken and property destroyed.

WAR OF 1898.

On the 25th of April, 1898, the President of the United States called upon the Executive for 10,860 men for the volunteer army, to be composed of ten regiments of infantry and four batteries of heavy artillery, the troops to be taken from the National Guard organization of the State. So far as possible, the State to provide equipments, arms, tentage, etc., to the extent that it had them on hand.

On the same day the Division, National Guard of Pennsylvania, was ordered to assemble at Mount Gretna, on April 28th. The original order of the Secretary of War was, on May 4, changed, and required

the State to furnish fifteen regiments of infantry, three troops of cavalry and three batteries of light artillery. The Division reached Mount Gretna April 28. A general order was issued the same day, paragraph five being as follows:

"The Commander-in-Chief desires to impress upon the offices and men of the National Guard of Pennsylvania his appreciation of the patriotism evidenced by the prompt response to General Orders No. 7, A. G. O., c. s., and directs attention to the fact that the necessities of the situation do not require that any member of the National Guard of Pennsylvania shall consider himself bound by such membership to enlist in the service of the United States, if such enlistment shall impose upon him personal sacrifices not made necessary under the limited call of the President, or hardships upon those who are dependent upon him for support, nor shall such non-enlistment be in any wise considered an avoidance of duty or be to the prejudice of men who, willing to endure everything for their flag and country, are not called upon to render service that can be rendered by those upon whom the demands of home and family do not rest so heavily, and who await the opportunity to serve their country."

Notwithstanding this cautionary order, and the fact that it was read on the field to each command immediately before the preliminary muster, about 71 per cent. of the total strength of the Guard volunteered, and on May 13 following, the recruiting and muster-in was completed and 592 officers and 10,268 enlisted men had been sworn into the volunteer army. Pennsylvania's quota, fifteen regiments of infantry, three troops of cavalry and three batteries of light artillery, was completed and delivered to the Federal Government within nine days after the receipt of the modified order from the War Department. I am informed and believe that Pennsylvania was the first in the Union

to deliver to the Government its full quota under the first call for troops.

On May 25, 1898, the President's second call was made, the State's quota being 6,370. The troops were promptly furnished, 4,408 being added to the organizations already in the field to bring each company up to the maximum strength, and the remainder was organized into eighteen companies of infantry, which were added to the regimental organizations, under **direction of the War Department.**

The total cost to the State approximated \$310,000. By the provisions of the act of Congress authorizing the raising of the volunteer army, nearly, if not quite all of this expense will be returned to the State Treasury. The Adjutant General has filed with the auditing department of the National Government proper vouchers, and the account is now in process of liquidation. It is expected that the amount will be returned to the Treasury at an early date.

The Pennsylvania troops were soon ordered to the military camps in the Southern States. The Tenth regiment, Colonel Hawkins, was ordered to Manilla, and is still there. He and his command have made a record for gallantry in action worthy of the country and the Commonwealth. The batteries, troops of cavalry and the Fourth and Sixteenth regiments participated in the campaign in Porto Rico, the officers and men acquitting themselves with great credit. Colonel Hulings, of the Sixteenth infantry, was promoted to the rank of brigadier general for gallantry in action. The other Pennsylvania commands stood ready to take their place on the firing line, but were prevented through no fault of theirs. Their camps were visited several times by the Executive. The increasing efficiency and zeal of officers and men continued to the end. After the signing of the protocol, all Pennsylvania organizations were honorably discharged from

the service excepting the Eighth, Tenth, Thirteenth, Fourteenth, Fifteenth and Sixteenth regiments. The report of the Adjutant General of the State will furnish a detailed account of the important military events of the year, and will give a historical record of the men and organizations of the State in the war.

On April 28, 1898, the Executive appointed the Pennsylvania Sanitary Commission, with Mr. John H. Converse as president and Hon. Robert E. Pattison as secretary. The organization was soon after expanded into the National Relief Commission, with Dr. M. S. French as general secretary, and continued throughout the war to render valuable aid, not only to the Pennsylvania organizations, but to the entire army. The people of the State responded with liberal contributions of money and supplies, and the agents of the commission accompanied our troops wherever they went. The work of this commission cannot be too highly commended.

Upon the breaking out of fever in the military camps, the hospitals of the State volunteered to furnish, free of charge, quarters and medical attendance for all sick brought to them. The Pennsylvania Sanitary Commission provided hospital trains, and a large number of stricken soldiers were brought from the camps and tenderly cared for in the several hospitals. Indeed, a number of our hospitals, at their own expense, provided trains well equipped with cots, physicians, nurses and medicines, and brought the soldiers back to Pennsylvania from their Southern hospitals. After the establishment of Camp Meade, near Harrisburg, where 28,000 troops were encamped, hospital trains made, for a time, almost daily visits to the camp to convey the fever patients to one or the other of the hospitals. There could not have been a finer example of patriotism. These efforts were not limited to our Pennsylvania troops, but every soldier, no matter from what

state, who needed medical treatment, received it from generous and sympathetic hands.

Arrangements were made to afford opportunity to the Pennsylvania soldiers in the field to cast their votes at the November election, and were successfully carried out. The vote was polled in accordance with the provisions of the act of 1864 and duly returned by the Commissioners appointed for that purpose. A number of patriotic citizens voluntarily defrayed the necessary expenses of the commissioners, and it is respectfully suggested that the gentlemen should be reimbursed upon the presentation of properly authenticated vouchers.

All of the National Guard organizations having entered the volunteer army at the beginning of the war, it became necessary to enlist other military organizations for the public defense and to meet the requirements of the law. An order for this purpose was issued on May 18, 1898, and in response thereto a large number of organizations that had been recruited and whose services had been tendered to the Government, finding no opportunity to get into the army, patriotically volunteered for State defense, and the Seventh, Eleventh, Seventeenth, Nineteenth, Twentieth and Twenty-first regiments were promptly organized and equipped. There were also organized two light batteries and three troops of cavalry. These organizations were assigned to the brigade within the territorial limits of which they had been recruited. Many of the officers and men comprising these new organizations have had experience in the National Guard, and their efficiency and military knowledge have been manifested by the celerity with which they have been molded into effective troops.

In the General Order it was directed that:

"The recruiting and organizing of commands as herein provided shall be conducted with the express provi-

sion and understanding that the officers and enlisted men who served as the National Guard of Pennsylvania shall have preference as far as possible in future enlistments in the volunteer army of the United States and may be disbanded at the close of the war."

The Sixteenth regiment was retained in the service until December, 1898. There are now five regiments of Pennsylvania volunteers remaining in the United States service. The Eighth, Tenth, Thirteenth, Fourteenth and Fifteenth, and these will probably be mustered out at an early date. This will render necessary the disbandment of the new organizations that were recruited and organized to meet a possible emergency. The officers and men composing these commands deserve great credit from the State for the prompt and patriotic manner in which they responded to the call for duty, and it is to be regretted that these splendid organizations cannot be retained in the service.

While it may be doubted whether it be wise to increase the total strength of our National Guard, yet experience has shown that the State Guard should, so far as possible, conform to the organization of the regular army, and in view of the desirability of extending our regiments into three battalions of four companies each, it is recommended that the law be so amended as to increase the possible number of infantry companies from 150 to 180, to be apportioned and organized into regiments and battalions under the direction of the Governor. To increase the infantry arm so as to expand the fifteen regiments into three battalions of four companies each, would require forty-nine additional companies. To maintain these companies will require an additional appropriation of at least \$120,000 per year.

I am clearly of the opinion that a greater degree of efficiency would be secured by organizing a medical

department, a quartermaster's department, an inspector's department, a commissary department and an Adjutant General's department, providing that each should consist of the requisite number of officers to permit of assignment to duty with Division and Brigade Headquarters, and with the various infantry, cavalry and artillery organizations. Applicants for admission should be subject to proper examination, and the power of assignment should rest with the Commander-in-chief.

It would also be of advantage, if provisions were made for placing officers upon the retired list upon their application after ten years service, but to be subject to duty at any time upon orders from the Commander-in-chief. The latter should also have power to place any officer on the retired list after fifteen years of service in any one grade.

I recommend that the Governor be authorized to appoint sixteen commissioners, one for each regiment of infantry, and one for the cavalry and artillery collectively, to co-operate with the general government in securing the return home to relatives and friends of the remains of our soldiers and sailors who lost their lives while serving in the war of 1898, and that an appropriation of \$25,000 be made for this purpose.

I cannot turn from the contemplation of the stirring events here referred to without expressing my appreciation and admiration of the ability, faithfulness, energy and patriotism of Adjutant General Thomas J. Stewart, whose unflagging efforts in the interest of the Pennsylvania volunteers deserve the highest praise.

THE BALLOT LAW.

Experience with the present ballot law has disclosed a number of imperfections. It is incomplete,

imperfect and incompetent in several particulars. The two methods provided for securing the right to an entire column on the State ballot sheet deserves this criticism. When a column on the official sheet is given to each political party which, at the last preceding election, polled one-half of one per centum of the total vote of the State, and additional columns are given to those candidates who file nomination papers, then the door is opened for confusion and fraud. While the columns necessary to represent the several political parties voting at the last election are limited, the columns needed to represent the tickets created by nomination papers may be prolonged to an indefinite extent. Any body of citizens under the present practice, obtaining the requisite number of signers, can secure a separate column for the State ticket, and that column is on the State ballot sheet. It has occurred that a separate column on the State ballot sheet contained but one name, and the citizen desiring to vote for this one candidate disfranchised himself as to all others by placing the cross in the circle above this one name. Independent, local or county organizations have, by nomination papers, secured a separate column. This entails unnecessary cost, swells the ballot sheet to undue proportions, obtrudes a purely local issue upon the people of the entire State, tends to confuse the voter and to obstruct and to hinder him in his sovereign right. The remedy is evident. A party entitled to a column on the State sheet should be a State party and not a fragment of a local or county party. It would undoubtedly be better to collect in one separate group in a single column the names of all candidates for a particular office. This may not be the best method which can be devised, but it has this advantage: If a voter can read and knows the name of his candidate he cannot make a mistake. He has only to make a cross opposite the candidate of his choice.

The present law has left the door open for so many interpretations of its different provisions that in almost every dispute as to the proper determination, resort must be had to the courts. This entails unnecessary expense, the contesting parties being by necessity compelled to employ counsel and frequently bring witnesses from remote parts of the State.

There should be a limitation of time after the holding of the political conventions within which nominations certificates should be filed with the Secretary of the Commonwealth. As the law now is, these papers may be withheld until the last day, even the last hour designated for filing, thus preventing the Secretary of the Commonwealth from giving proper examination and investigation to their merits and entailing upon the courts a volume of contests sometimes physically impossible to determine before the time required to have the official ballot printed.

The Secretary of the Commonwealth, in his able report, calls attention to the fact that nomination papers are frequently filed upon which many of the names of alleged signers were manifestly written by one person and were not genuine signatures. As the law now stands, the Secretary is required to place these papers on file. This loose and dishonest method of obtaining a place upon the State ballot sheet has almost the effect of placing a premium upon perjury by permitting irresponsible and unknown persons to make affidavit to matters about which they can have no personal knowledge. In this way the names of alleged candidates often appear upon the ballot sheet without their knowledge or after they have refused to accept the nomination, thus necessarily cumbering the ballot and adding to the possible confusion of the voter.

The people of the State are demanding a re-casting of the ballot law so as to avoid the inequalities and imperfections in the present statute and so as to af-

ford the voter the plainest and simplest method of expressing his preference at the polls. Your attention is earnestly invited to this subject.

ELECTION OF UNITED STATES SENATORS BY THE PEOPLE.

The legislatures of California, Colorado, Florida, Idaho, Illinois, Indiana, Michigan, Missouri, Montana, Nebraska, Nevada, Ohio, Utah and Wyoming have adopted resolutions urging upon Congress favorable consideration of an amendment to the Federal Constitution by which the qualified voters of each state shall be authorized to select their representatives in the Senate of the United States by direct vote of the people, the same as are our governors, judges and state officers. Similar action is urged upon your honorable bodies. Such an amendment passed the National House of Representatives at its last session by an almost unanimous vote.

While every proposition to change the fundamental law of the land should be approached with caution, yet the fact must not be overlooked that more than a century has intervened since the adoption of the Constitution. From three millions population scattered along the Atlantic coast, principally engaged in agricultural pursuits, there are now seventy millions of people affected by legislation; a population engrossed in every variety of human pursuit, possessed of wonderful mental and business activity, enjoying unequaled privileges for education, and unexcelled opportunities for industrial, commercial and political achievement. The primitive fear of the continental fathers that a possible spirit of loyalty to England should be guarded against in the more observative branch of the Nation's Legislature, coupled with the apprehension of lodging too much power in the hands

of the people, were the reasons then generally assigned for the present method of electing senators. Happily these reasons no longer exist. The experience of the century has firmly established the fact that political power can nowhere be so safely lodged as in the people themselves. The Constitution in its present form opens the door for wealth and venality to enter legislative halls, to lure and to tempt, and often to snatch from the people, by corrupt methods, the glory and honor of the great senatorial office.

In many states where Senators were recently elected, if the qualified voters had been clothed with the power of election, the disgrace and humiliation occasioned by the deplorable conduct of members of such legislatures would have been avoided. Why should United States Senators be the only exception to the American rule of the majority? No candidate for office should be unwilling to submit his record to a vote of the people. If senatorial aspirants cannot trust the people with their records, how can the people be expected to have confidence in the Senate?

THE STATE CAPITOL.

On February 2, 1897, the main Capitol Building which, for many years had been occupied by the General Assembly, was accidentally destroyed by fire, leaving the three remaining buildings uninjured. The insurance thereon, amounting to \$196,775.65 was promptly collected and paid in to the State Treasury.

On March 11, 1897, the Executive sent to the Legislature, then in session, a message in which attention was called to the necessity for prompt legislative action to provide for the erection of another building suitable for the meetings of the General Assembly. It was recommended, inasmuch as there still remained three

of the group of buildings, that the public interest would best be served by erecting at once a building suitable for the General Assembly; and, subsequently, to erect, as a part of the same general plan of the group of buildings, and as the finances of the State would permit, two additional buildings to replace those now occupied by the Department of Internal Affairs and Adjutant General's Office respectively; that the Legislative building should be planned with reference to the other proposed building and that it should preserve the colonial style of architecture. It was suggested that a new building suitable for the use of the General Assembly, its officers and employes, and of such character as to be entirely creditable to the Commonwealth, could, with the use of the material from the old building, be erected at a cost not exceeding \$550,000.

A bill corresponding with these recommendations was promptly passed and approved April 14, 1897. The Commission created by the act, being composed of the members of the Board of Public Grounds and Buildings, the then President pro tempore of the Senate and the Speaker of the House, proceeded to employ an architect as a professional adviser and inaugurated a program of competition for the selection of designs for a new building and an architect to supervise its construction. The plan of competition was prepared with much painstaking, was adopted by the unanimous vote of the Commissioners, and met with such favor by the profession that it brought into the competition thirty leading architects from all parts of the United States, each of whom prepared twenty-four large and elaborate drawings. Under the terms of the competition, the Board of Experts required to select eight of these drawings, which, in their judgment, were best adapted for the new building. From these eight, three were in turn to be selected by the Commis-

sioners, and the author of the one finally pronounced the most satisfactory was to be selected as the architect to supervise the construction of the building. It was provided that the architect so chosen should then revise his drawings to meet the further requirements of the Commissioners and should prepare detailed working drawings and specifications. The eight plans were duly selected by the experts and submitted to the Commissioners.

At this point, four of the five members of the Commission declined to make a selection, and by resolution set aside and ignored the competition and all the plans presented. The only reason made public by them for taking such action was that the building, if erected under any of the plans, would exceed the limits of the appropriation and would require modification to come within the \$550,000.00. There was no evidence that the architects, or the experts passing upon the plans, had made any inquiry into cost of material or price of labor in Harrisburg or its vicinity. Their estimates of the probable cost of the building, to be erected according to their several designs, showed nothing more than an expression of opinion of the cost, based upon their general knowledge. This excuse ignored the provisions of the competitive program, which required the architect, when appointed, to "revise his competitive drawings to meet the further requirements of the Commissioners," by which means the cost could readily have been brought within the limits of the appropriation. The Executive refrained from further participation in their deliberations.

One firm of architects sought, by legal procedure, to compel the Commissioners to carry out their agreement with the architects. The case was taken to the Supreme Court. The learned judge, in pronouncing the opinion, dismissing complainant's bill, laid down, *inter alia*, the following principles: "Even if the action of

the Commissioners had been in disregard of the program, they could not bind themselves so as to delegate their discretion or limit their final judgment," and "The State being the real party in interest as defendant, and its officers not being alleged to be acting in violation of the law which created their authority, the courts are without jurisdiction of the subject matter." In other words, the Commissioners possessed the power to violate their written agreement with these architects if they chose to do so.

The four Commissioners then caused new plans and specifications to be made by an architect of their selection, and, on January 20, 1898, advertised for sealed proposals for the erection of a building according to his plans and specifications. All examination of these disclosed the fact that the Commissioners proposed to let a contract for the erection, not of one building, as required by the act of Assembly, but of an incomplete part of a larger structure intended ultimately for the accommodation of all the departments of the State Government. The specifications called for "temporary" work, particularly in the interior, and provided for the erection of a building in no sense fire proof, notwithstanding the act required the building should be as nearly fire proof as possible. Further requirements of the act were that it "should be complete" and "ready for occupancy and furnishing not later than November 15, 1898."

Believing the proposed action of the Commissioners to be in violation of the law and, if permitted, would commit the Commonwealth to the expenditure of large sums of money not contemplated in the act, the Attorney General, on February 4, 1898, filed a bill in equity to restrain them. The testimony taken in the court below fully sustained the allegations of the Attorney General. The specifications adopted by the four members of the Commission provided for a roof

made of pine boards, covered with tarred felt, pitch and sand; the sides or gables and dome were to be covered with matcher fencing. All floors were required to be made of pine boards. Stairs and staircases, including main entrance, were marked in the specifications "temporary," and were all to be of wood. So far as the interior was concerned, no attempt was made in the specifications to comply with the provisions of the act as to the fire proof quality of the structure. The specifications relating to the roof was "although the above-specified the roof is temporary, it must be secure and guaranteed for three years." No provision was made for heating, ventilating, gas or electric lighting, plumbing, water supply, drainage, lavatories or interior finish.

The testimony taken before the court showed clearly that if all the specifications were strictly complied with, the building would not be completed, outside or inside, although the mandate of the act of assembly was that a "complete" building should be erected "ready for occupancy and furnished not later than November 15, 1898."

The four Commissioners, in answering the complaint, averred that the "building when constructed in accordance with the plans and specifications they had adopted would not be an incomplete part of a larger structure, but would be a building of such size and form as would in their judgment be * * * adapted to the present and future use of the General Assembly," and that, when completed, it "will be a complete, separate and independent structure erected and constructed in compliance with all the requirements" of the act.

The four Commissioners in their answer distinctly stated that, although the contract which they proposed to let would not complete the Capitol building, yet they proposed to let other contracts for its completion,

and promised the court that it would be "a complete, separate and independent structure in compliance with all the requirements of the act of Assembly." Their architect, in his testimony before the court, stated that when the specifications already prepared and adopted, and the specifications yet to be prepared and adopted, had been complied with, the building would be a complete building in all respects. Three of the Commissioners, Amos H. Mylin, Benjamin J. Haywood and Samuel J. M. McCarrell, upon oath, stated that, under their plan of construction, the building would be "complete" and fit for occupancy within the amount of the appropriation.

The court in rendering its decision accepted their promise stating, *inter alia*: "The defendants admit, in their answer, that the building would be incomplete if the construction were confined to these specifications and the contract to be based upon them, but they aver, and Mr Cobb, the architect, testifies, that additional specifications are to be prepared and other contracts made for the remaining parts of the construction, all of which are to be in progress together, and to be finished at the same time." Again the court said: "Another allegation in the bill is that the Commissioners intend to contract for the expenditure of a large amount of money in excess of the sum of \$550,000, in violation of the provisions of the act of Assembly, which forbids them to contract for the expenditure of any larger sum. To this defendants answer, and the testimony shows, that it is not their intention or purpose, and never has been, to enter into any contract or contracts for the erection and construction of said building, or any parts or portions thereof, in excess of the amount of money available under said act of Assembly, and that it is not their purpose or intention to leave said building, when completed, in accordance with the plans and specifications approved

and to be approved by them in such condition as to require the expenditure of an yadditional money therein in order to fit it for the convenient use and occupancy of the General Assembly, its officers, committees and employes, and the testimony warrants us in believing that such is the fact even were we not required to accept the sworn answer of the defendants to this effect."

Having thus, under oath, assured the court "that it is not their purpose or intention to leave said building when completed, in accordance with the plans and specifications approved and to be approved by them in such condition as to require the expenditure of any additional money thereon in order to fit it for the convenient use and occupancy of the General Assembly, its officers, committees and employes," the court accepted this sworn answer as verity and dismissed the bill. This action was sustained by the Supreme Court.

I now aver that the four members of the Commission have utterly failed to carry out their sworn promise to the court and that they have acted in flagrant disregard to the act of Assembly. The structure in which you are assembling to day is unworthy of your honorable bodies and is a disgrace to the Commonwealth. In its present condition it is hardly fit for human habitation, much less the official abode of the representatives of the great Commonwealth. The act requires that the building "shall be built in that phrase of the renaissance style of architecture known as the Colonial." This structure bears no more resemblance to Colonial architecture than does the Egyptian Sphinx. There are scores of farmers' barns in Pennsylvania more attractive in appearance than this building. It is made of common brick embedded in cheap mortar, looks like a hastily erected factory building, and is repulsive to the eye.

The roof is made of hemlock and pine boards covered with tarred felt, pitch and sand; the gables and

dome are covered with third rate quality of pine fencing boards; and the floors are made of common pine boards which give under the feet. The stairs and stair cases, including the main entrance, are all wood, and the partitions between the rotunda and west wings and upper floors are of seven-eighths inch matched pine fencing, and the same material is placed in front of the elevator shafts. Only about one-fifth of the entire building is plastered at all, and such as is plastered is of two-coat work. There is no plastering whatever in the halls of the Senate and House of Representatives. The Senate Chamber walls are finished with burlap stained green, fastened to the rough sides of the wall composed of brick and tiles. The walls of the House of Representatives are finished with burlap stained garnet, and fastened to the rough brick walls, also made of tile and brick. Although the act of Assembly requires that the building shall be "made as nearly fire-proof as possible," the roof and most of the interior fittings are as combustible as possible. Furthermore, I am advised by a competent and trust-worthy builder, who has personally examined this building, that a fair estimate of the cost of the present structure would not exceed \$225,000 as it now is, and that it will cost to complete the building according to the plans adopted not less than \$2,500,000. This estimate, I am informed, is a conservative one and may be relied upon. It is more than probable that it will require twice that sum to complete the building, and it has been so deliberately planned as to require continuing appropriations which, in my judgment, will last during the present generation. In the condition that you find it at this time no one would hazard an opinion as to what the style of architecture will be in the end, whether Colonial or otherwise.

The only part of the structure to be commended is the foundation, which is ample to support any build-

ing, even the Capitol of the United States. This foundation has been so planned as to leave an extension on the outside surface of about ten inches from the brick wall. It can hardly be supposed, however, that this elaboration of the foundation was made with the intention of inducing this or future Legislatures to hide the shameful appearance of the present brick walls by a veneering of marble or granite, because the Commissioners have sworn to the court that the structure would be a complete building and within the limit of the present appropriation.

The Commissioners will not relieve themselves from just criticism by alleging that the appropriation was too small. It was not for them to say what the appropriation should be. That judgment belonged to the legislative branch of the government. It was the duty of the Commission to erect the building in accordance with the provisions of the act. One of the provisions limited the expense to \$550,000. They distinctly averred before the courts that every provision of the act would be complied with and that a complete building for the Legislature, its officers and employes would be constructed within the limit of the appropriation. The Commissioners had no right to determine that the appropriation was too small. The Legislature had already fixed the amount. They had no right or power to ignore any provision of the act. That is violation of law. They had no right to foist upon the tax-payers of the Commonwealth an incomplete structure, which will require an expenditure of at least a million of dollars to make it habitable under their present plan, and millions more to add the wings as set out in their drawings. They had not the right to expend the money appropriated in such a way as to compel the legislative branch of the government either to tear down and render comparatively valueless all that has been done, or to add millions of dollars to carry out their ultimate

design. The Commissioners were created by the Legislature to fulfill, in good faith, its solemn enactments, and it is insulting to the Commonwealth for the Commissioners to assume Legislative power or to so administer their trust as to compel the tax-payers to take the hazard of expending large additional sums for the consummation of the unlawful purpose of Commissioners appointed by them to execute their sovereign will.

The further plans of the Commissioners to erect wings at the ends of the present structure, so enlarging it as to provide quarters for other departments of the State Government, under one roof, as part and parcel of their general scheme, when viewed in the light of the act, savors of an usurpation of authority which is at once illegal, unjust, and burdensome to the people of the Commonwealth.

I respectfully submit to your honorable bodies that it will be more economical and more business like to tear down everything above the foundation walls and sacrifice the money already expended, rather than to continue the Commission and accede to its demands for future appropriations which is certain to extend into millions of dollars.

APPORTIONMENT.

The last Senatorial apportionment was made in 1874, twenty-four years ago, and the last Representative and Congressional apportionments in 1887. The mandate of the Constitution requiring these apportionments to be made has been inexcusably neglected, and has resulted, in many instances, in denying to the people the representation to which they are by law entitled and, in others, by permitting a representation in both Houses of the General Assembly to which, under the

Constitution, the people are not entitled. The growth of our population has been far from uniform, many localities having doubled their population in the past twenty years, while in others there has been but little increase. The present Senatorial apportionment is directly in conflict with the theory of representative government. It violates the express mandate of the Constitution which required that "the State shall be divided into fifty Senatorial districts of compact and contiguous territory, as nearly equal in population as may be and each district may be entitled to elect one Senator." Several of the present Senatorial districts do not contain more than one third or one-fourth the population of other districts, each being represented by a single Senator. While the two Congressmen-at-Large give Pennsylvania her full representation in the Congress, yet the people of the State who have the population are entitled to their representative in their own localities. It is true another census will be taken two years hence, but it cannot be completed in time for the next session of the General Assembly to have the data necessary for making the apportionments. If the apportionments are not made at your present session, it will be impossible to make them until 1903, if they are to be made upon the basis of the next decennial census. This affords no excuse for failure to comply with the plain mandate of the Constitution.

DANIEL H. HASTINGS.

To the Senate Nominating Members of the Board of
Medical Examiners Representing the Medical So-
ciety of Pennsylvania.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, January 3, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following named gentlemen to be members of the Board of Medical Examiners, representing the Medical Society of the State of Pennsylvania, for the term set opposite their names, respectively, to compute from March 1, 1898:

H. G. McCormick, M. D., Williamsport, three years.

W. S. Foster, M. D., Pittsburg, three years.

DANIEL H. HASTINGS.

To the Senate Nominating Members of the Board of
Medical Examiners Representing the Homeo-
pathic Medical Society of Pennsylvania.”

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, January 3, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following named gentlemen to be members of the Board of Medical Examiners representing the Homeopathic Medical Society of the State of Pennsylvania, for the term set opposite their names, respectively, to compute from March 1, 1898:

To the Senate Nominating Trustees of the State Institution for Feeble-Minded of Western Pennsylvania."

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, January 3, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following named gentlemen to be trustees of the State Institution for Feeble-Minded of Western Pennsylvania, at Polk, for the term of three years from the date set opposite their names, respectively:

William T. Bradberry, Allegheny, May 1, 1898.

E. W. Echols, Franklin, May 1, 1898.

And J. N. Davidson, Allegheny, to serve from December 2, 1897, until May 1, 1900, vice J. J. Spearman, resigned.

And William Witherow, Pittsburg, to serve from December 6, 1898, until May 1, 1901, vice Alexander E. Patton, resigned.

DANIEL H. HASTINGS.

To the Senate Nominating Commissioners of Valley Forge.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, January 3, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following named gentlemen to be Commissioners of Valley Forge, for the term of five years, to compute from June 8, 1898:

ture, to serve from the fourth Wednesday of January, 1898, until the fourth Wednesday of January, 1901.

DANIEL H. HASTINGS.

To the Senate Nominating Trustees of the Home for
the Training in Speech of Deaf Children Before
They Are of School Age, Located at Philadelphia.

Commonwealth of Pennsylvania,

Executive Chamber,

Harrisburg, January 3, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following ladies to be trustees of the Home for the Training in Speech of Deaf Children before they are of School Age, located at Philadelphia, for the term of five years from the date set opposite their names, respectively:

Mrs. Eleanor S. Barker, Philadelphia, July 14, 1897.

Miss Mary S. Garrett, Philadelphia, July 14, 1898.

DANIEL H. HASTINGS.

L. H. Willard, M. D., Allegheny, three years.

Augustus Korndoerfer, M. D., Philadelphia, three years.

DANIEL H. HASTINGS.

To the Senate Nominating Members of the Board of Medical Examiners Representing the Eclectic Medical Society of Pennsylvania."

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, January 3, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following named gentlemen to be members of the Board of Medical Examiners, representing the Eclectic Medical Society of the State of Pennsylvania, for the term set opposite their names, respectively, to compute from March 1, 1898:

A. B. Woodward, M. D., Tunkhannock, three years.

W. H. Blake, M. D., Philadelphia, three years.

DANIEL H. HASTINGS.

To the Senate Nominating Samuel R. Downing a Member of the Board of Agriculture.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, January 3, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Samuel R. Downing, of West Chester, to be a member of the State Board of Agricul-

William J. Latta, Philadelphia.
Holstein DeHaven, Philadelphia.
Joël J. Baily, Philadelphia.
Tattnall Paulding, Philadelphia.
Samuel W. Pennypacker, Philadelphia.
Samuel S. Hartranft, Norristown.
Henry A. Muhlenberg, Reading.
William Wayne, Paoli.
Levi J. McCauley, West Chester.

DANIEL H. HASTINGS.

To the Senate Nominating Trustees of the State Hospital for the Insane at Warren.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, January 3, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following named gentlemen to be trustees of the State Hospital for the Insane at Warren, for the term of three years from the date set opposite their names, respectively:

J. Wilson Greenland, Clarion, June 26, 1897.

R. B. Stone, Bradford, October 1, 1898.

T. J. Smiley, Titusville, October 1, 1898.

O. C. Allen, Warren, December 24, 1898.

DANIEL H. HASTINGS.

To the Senate Nominating Trustees of the State Hospital for the Insane at Norristown.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, January 3, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following named gentlemen to be trustees of the State Hospital for the Insane at Norristown, for the term of three years from the date set opposite their names, respectively:

John G. Prizer, Schwenksville, October 10, 1898.

George M. Stiles, M. D., Conshohocken, November 29, 1898.

DANIEL H. HASTINGS.

To the Senate Nominating Thomas C. Gibson a Trustee of the Cottage State Hospital for Injured Persons of the Bituminous and Semi-Bituminous Coal Regions at Mercer.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, January 3, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Thomas C. Gibson, of Greenville, to be a trustee of the Cottage State Hospital for Injured Persons of the Bituminous and Semi-Bituminous Coal Regions of Pennsylvania at Mercer, from August 31, 1897, until lawfully determined or annulled, vice James P. Whitla, resigned.

DANIEL H. HASTINGS.

To the Senate Nominating Donald C. Haldeman a
Trustee of the State Lunatic Hospital at Harris-
burg.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, January 3, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE
honor hereby to nominate for the advice and con-
sent of the Senate, Donald C. Haldeman, of Har-
risburg, to be a trustee of the Pennsylvania State Lu-
natic Hospital at Harrisburg, from August 25, 1897,
until April 6, 1899, vice Louis W. Hall, deceased.

DANIEL H. HASTINGS.

To the Senate Nominating Trustees of the State Hos-
pital for Injured Persons of the Anthracite Coal
Regions at Ashland.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, January 3, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE
honor hereby to nominate for the advice and con-
sent of the Senate, the following named gentlemen
to be trustees of the State Hospital for Injured Per-
sons of the Anthracite Coal Regions of Pennsylvania
at Ashland, from the date set opposite their names,
respectively, until lawfully determined or annulled:

Peter D. Helms, Pottsville, April 14, 1898, vice D. J.
Langdon, removed.

Grant Herring, Bloomsburg, June 7, 1898, vice Chas. F. King, removed.

Robert Allison, Port Carbon, June 7, 1898, vice Wm. H. Lewis, removed.

DANIEL H. HASTINGS.

To the Senate Nominating Trustees of the Cottage State Hospital for Injured Persons of the Bituminous and Semi-Bituminous Coal Regions at Philipsburg.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, January 3, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following named gentlemen to be trustees of the Cottage State Hospital for Injured Persons of the Bituminous and Semi-Bituminous Coal Regions of Pennsylvania at Philipsburg, from the date set opposite their names, respectively, until lawfully determined or annulled.

William E. Irwin, Philipsburg, August 31, 1897, vice W. W. Betts, deceased.

George W. McGaffey, Philipsburg, September 29, 1897, vice Chester Munson, deceased.

DANIEL H. HASTINGS.

To the Senate Nominating Fountain W. Crider a
Trustee of the State Hospital for the Insane at Dan-
ville.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, January 3, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE
honor hereby to nominate for the advice and con-
sent of the Senate, Fountain W. Crider, of Belle-
fonte, to be a trustee of the State Hospital for the In-
sane at Danville, from March 3, 1898, until July 1, 1899,
vice William D. Himmelreich, deceased.

DANIEL H. HASTINGS.

To the Senate Nominating Trustees of the State Hos-
pital of the State Asylum for the Chronic Insane at
Wernersville.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, January 3, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE
honor hereby to nominate for the advice and con-
sent of the Senate, the following named gentlemen
to be trustees of the State Asylum for the Chronic In-
sane at Wernersville, for the term of three years, to
compute from June 12, 1898.

J. B. Kremer, Carlisle.

Savery Bradley, Philadelphia.

Henry M. Dechert, Philadelphia.

DANIEL H. HASTINGS.

To the Senate Nominating William H. Egle State Librarian.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, January 3, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, William H. Egle, M. D., of Harrisburg, to be State Librarian, for the term of four years from the first Monday of February, 1898.

DANIEL H. HASTINGS.

To the Senate Nominating James Campbell Factory Inspector.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, January 3, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, James Campbell, of Pittsburg, to be Factory Inspector for the term of three years from January 15, 1898.

DANIEL H. HASTINGS.

To the Senate Nominating J. Hay Brown a Manager of the State Industrial Reformatory at Huntingdon.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, January 3, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, J. Hay Brown, of Lancaster, to be a member of the Board of Managers of the State Industrial Reformatory at Huntingdon, for the term of ten years to compute from May 15, 1898.

DANIEL H. HASTINGS.

To the Senate Nominating Hay Walker, Jr., Manager of the Pennsylvania Reform School at Morganza.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, January 3, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Hay Walker, Jr., of Allegheny, to be Manager of the Pennsylvania Reform School at Morganza, to serve from November 22, 1898, until the first Monday of May, 1901, vice Joseph Albree, deceased.

DANIEL H. HASTINGS.

To the Senate Nominating Commissioners for the
Promotion of Uniformity of Legislation in the
United States.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, January 3, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following named gentlemen to be Commissioners for the Promotion of Uniformity of Legislation in the United States, for the term of two years from the date set opposite their names, respectively:

David T. Watson, Pittsburgh, June 24, 1898.

Ellis Ames Ballard, Philadelphia, June 24, 1898.

Henry T. Harvey, Lock Haven, June 24, 1898.

DANIEL H. HASTINGS.

To the Senate Nominating Members of the State
Board of Health and Vital Statistics.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, January 3, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following named gentlemen to be members of the State Board of Health and Vital Statistics for the term of six years, to compute from September 9, 1897:

Pemberton Dudley, M. D., Philadelphia.

George G. Groff, M. D., Lewisburg.

DANIEL H. HASTINGS.

To the Senate Nominating Commissioners of the
Board of Public Charities.

Commonwealth of Pennsylvania,
Executive Chamber,

Harrisburg, January 3, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following named gentlemen to be Commissioners of the Board of Public Charities, for the term of five years from the date set opposite their names, respectively:

Mahlon H. Dickinson, Philadelphia, October 25, 1897.

George I. McLeod, M. D., Philadelphia, July 3, 1898.

Francis J. Torrance, Allegheny, July 3, 1898.

Isaac J. Wistar, Philadelphia, July 3, 1898.

Isaac Johnson, Media, November 9, 1898.

DANIEL H. HASTINGS.

To the Senate Nominating Members of the State
Board of Veterinary Medical Examiners.

Commonwealth of Pennsylvania,
Executive Chamber,

Harrisburg, January 3, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following named gentlemen to be member of the State Board of Veterinary Medical Examiners, for the term of three years from the date set opposite their names, respectively:

Harry Walter, Wilkes-Barre, first Monday of September, 1897.

J. C. McNeil, Pittsburg, first Monday of September, 1897.

Simon J. J. Harger, Philadelphia, first Monday of September, 1898.

W. Horace Hoskins, Philadelphia, first Monday of September, 1898.

DANIEL H. HASTINGS.

To the Senate Nominating Members of the Board of
Dental Examiners.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, January 3, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following named gentlemen to be members of the Board of Dental Examiners of the State of Pennsylvania for the term set opposite their names, respectively; to compute from September 1, 1897:

J. A. Libby, D. D. S., Pittsburg, two years.

G. W. Klump, D. D. S., Williamsport, two years.

C. V. Kratzer, D. D. S., Reading, three years.

H. E. Roberts, D. D. S., Philadelphia, three years.

Henry Gerhart, D. D. S., Lewisburg, for the term of three years from September 1, 1898.

Robert Huey, D. D. S., Philadelphia, for the term of three years from September 1, 1898.

DANIEL H. HASTINGS,

To the Senate Nominating Henry C. Porter a Member of the State Pharmaceutical Examining Board.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, January 3, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Henry C. Porter, of Towanda, to be a member of the State Pharmaceutical Examining Board, for the term of five years, to compute from June 23, 1898.

DANIEL H. HASTINGS.

To the Senate Nominating Members of the State Board of Undertakers.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, January 3, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following named gentlemen to be members of the State Board of Undertakers, for the term of three years from the date set opposite their names, respectively:

A. P. Burton, Erie, October 16, 1897.

J. Lewis Good, Philadelphia, October 16, 1898.

DANIEL H. HASTINGS.

To the Senate Nominating State Game Commissioners.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, January 3, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following named gentlemen to be members of the Board of Game Commissioners, for the term of three years, from the date set opposite their names, respectively:

Irving A. Stearns, Wilkes-Barre, November 17, 1897.

Charles Heebner, Philadelphia, November 17, 1897.

James H. Worden, Harrisburg, November 17, 1898.

E. B. Westfall, Williamsport, November 17, 1898.

DANIEL H. HASTINGS.

To the Senate Nominating State Fishery Commissioners.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, January 3, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following named gentlemen to be State Fishery Commissioners, for the term of three years from the date set opposite their names, respectively:

S. B. Stillwell, Scranton, July 15, 1897.

Louis Streuber, Erie, July 15, 1897.

Henry C. Demuth, Lancaster, July 15, 1898.

James W. Correll, Easton, July 15, 1898.

DANIEL H. HASTINGS.

To the Senate Nominating Thomas MacDowell Jones
Superintendent of Public Printing and Binding.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, January 3, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Thomas MacDowell Jones, of Harrisburg, to be Superintendent of Public Printing and Binding, from May 1, 1898, until July 1, 1901, vice Thomas Robinson, resigned.

DANIEL H. HASTINGS.

To the Senate Nominating Henry T. Fernald Economic Zoologist.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, January 3, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Henry T. Fernald, Ph. D., of State College, to be Economic Zoologist, from April 5, 1898, until September 14, 1899, vice B. H. Warren, M. D., resigned.

DANIEL H. HASTINGS.

To the Senate Nominating Robert Brownlee Chief of
the Bureau of Mines.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, January 3, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE
honor hereby to nominate for the advice and con-
sent of the Senate, Robert Brownlee, of Ralston,
to be Chief of the Bureau of Mines, for the term of
four years, to compute from September 29, 1897.

DANIEL H. HASTINGS.

To the Senate Nominating J. P. S. Gobin Brigadier
General of the National Guard.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, January 3, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE
honor hereby to nominate for the advice and con-
sent of the Senate, J. P. S. Gobin, of Lebanon, to
be a Brigadier General of the National Guard of Penn-
sylvania, to rank as such from June 1, 1885, for the
term of five years from November 30, 1898.

DANIEL H. HASTINGS.

To the Senate Nominating John A. Wiley Brigadier
General of the National Guard.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, January 3, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, John A. Wiley, of Franklin, to be a Brigadier General of the National Guard of Pennsylvania, to rank as such from January 25, 1887, for the term of five years from November 30, 1898.

DANIEL H. HASTINGS.

To the Senate Nominating Charles Miller a Brigadier
General of the National Guard.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, January 3, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Charles Miller, of Franklin, to be a Brigadier General of the National Guard of Pennsylvania, to rank as such from June 7, 1898, for the term of five years from June 7, 1898.

DANIEL H. HASTINGS.

To the Senate Nominating Frank J. Magee a Brigadier General of the National Guard.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, January 3, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Frank J. Magee, of Wrightsville, to be a Brigadier General of the National Guard of Pennsylvania, to rank as such from July 1, 1898, for the term of five years from July 1, 1898.

DANIEL H. HASTINGS.

To the Senate Nominating Thomas Potter, Jr., to be Quartermaster General.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, January 3, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Thomas Potter, Jr., of Philadelphia, to be Quartermaster General of the National Guard of Pennsylvania, with rank of Colonel, for the term of five years, to compute from September 22, 1898, vice Albert J. Logan, resigned to accept colonelcy of Seventeenth regiment infantry, National Guard of Pennsylvania.

DANIEL H. HASTINGS.

To the Senate Nominating George O. Rush Superintendent of the Cumberland Road.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, January 3, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, George O. Rush, of Farmington, to be Superintendent of the Cumberland road, in the counties of Fayette and Somerset, to serve from December 15, 1898, to March 14, 1899, vice German D. Speer, deceased.

DANIEL H. HASTINGS.

To the Senate Nominating Robert Pitcairn a Manager of the Western Pennsylvania Hospital.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, January 3, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Robert Pitcairn, of Pittsburgh, to be a member of the Board of Managers of the Western Pennsylvania Hospital, at Dixmont, for the term of one year, from June 30, 1898.

DANIEL H. HASTINGS.

To the Senate Nominating Members of the Board of
Medical Examiners Representing the Medical So-
ciety of Pennsylvania.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, January 3, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following named gentlemen to be members of the Board of Medical Examiners representing the Medical Society of the State of Pennsylvania, for the term set opposite their names, respectively to compute from March 1, 1899:

William B. Hamaker, M. D., Meadville, March 1, 1899.

A. H. Hulshizer, M. D., Philadelphia, March 1, 1899.

DANIEL H. HASTINGS.







William A. Stone

WILLIAM ALEXIS
STONE,
Governor of the Common-
wealth.
1899-1903.



Chapter II.

WILLIAM ALEXIS STONE,

Governor of the Commonwealth,

1899-1903.

LIKE EVERY BOY OF THE EARLY SIXTIES, William A. Stone was an enthusiastic patriot, but like few of his age, he put his opinions into practical operation by enlisting in the military service. Born in Tioga county in 1846, he was educated in the district schools and at the State Normal School in Mansfield. Fired by irresistible enthusiasm for the Union, he ran away with a number of other boys in 1863, and enlisted in the volunteers, but paternal authority followed him into the ranks and brought about his peremptory discharge. Finding it impossible to restrain him, however, he was permitted to enlist a few months later as a private in company A, 187th Pennsylvania Volunteers. He was promoted through the various non-commissioned grades and was commissioned as Second Lieutenant in 1865, shortly after which he was mustered out with his company. During his service he participated in the engagement at Yellow

House or Six Mile Run, and in the siege of Petersburg. From 1871 to 1875 he was Lieutenant Colonel and Assistant Adjutant General of the Thirteenth Division of the National Guard of Pennsylvania.

In 1870 he was admitted to the bar of Tioga county and engaged in the practice of law at Wellsboro, being from 1875 to 1877 District Attorney of Tioga county. In 1877 he entered upon legal practice in Pittsburg and from 1880 to 1886 he was United States District Attorney for the Western District of Pennsylvania.

From 1891 to 1899 he represented his district in Congress, participating in the Fifty-second, Fifty-third, Fifty-fourth and Fifty-fifth Congresses.

In 1898, Colonel Stone was nominated by the Republican party for the Governorship and elected by a plurality of over 117,000 votes.

Inaugural Address to the Assembly.

Gentlemen of the Senate and House of Representatives and Fellow Citizens of Pennsylvania:

WITH A FULL SENSE OF THE RESPONSIBILITIES accompanying the high office to which I have been chosen by the people, with gratitude for the trust imposed by them, and invoking Divine aid, I assume the duties and undertake the obligations which I have sworn to discharge.

It is my purpose, in so far as I can, to discharge honestly and fearlessly my whole duty to the people of Pennsylvania. I can accomplish little without their co-operation and without the support and co-operation of their chosen Representatives. It seems to me that what the State needs at this time is more of a business administration than a political one.

It is not my desire to criticise the action of legislative bodies in the past, nor of State officials, but I deem it my duty to the people of the State and to myself, to point out plainly the financial condition of our State and to recommend to the Legislature such measures as seem to be necessary to remedy it. I am impressed with the idea that past legislative bodies have had a greater desire to legislate for the counties and school districts of the State than they have had to legislate for the State, and past Legislatures have appropriated more money for the coming fiscal years than the anticipated revenues, and this with the knowledge as contained in the reports of the State Treasurer of existing indebtedness due the counties and school districts of the State. As a result the State to-day is indebted to the school districts and counties and normal schools over three and a half millions of dollars over and above the balance of available cash in the Treasury. And we find this indebtedness carried into the estimate of expenditures for the coming fiscal year, while the esti-

mated revenue for the coming fiscal year is no more than sufficient to pay the estimated current expenditures of the coming year, exclusive of the indebtedness of three and a half millions of dollars accruing in former years.

Our State has been appropriating larger sums for educational purposes than any other State in the Union. The net receipts of the State available for appropriations for 1898 were \$10,524,236.20, while the total appropriations for educational purposes for that year alone were \$6,831,436.00, being an appropriation of 64 per cent. of the entire revenue of the State for educational purposes. New York appropriates only 15 per cent. of her revenue for educational purposes; Massachusetts only 3 per cent.; Ohio, 26 per cent.; Illinois, 26 per cent.; New Jersey, 13 per cent. This appropriation of \$6,831,436.00 includes \$5,500,000.00 for the common schools of the State; \$99,000.00 for the salaries of the county superintendents; \$227,500.00 for normal schools; \$180,600.00 for soldiers' orphan schools; Home for the Training in Speech for Children before they are of School Age, at Bala, \$16,250.00; Pennsylvania Institute for the Deaf and Dumb, Philadelphia, \$120,000.00; Western Pennsylvania Institution for Deaf and Dumb, Pittsburgh, \$50,400.00; Pennsylvania Oral School for the Deaf, \$21,600.00; Pennsylvania Institution for the Instruction of the Blind, Philadelphia, \$44,200.00; Western Pennsylvania Institution for Instruction of the Blind, Pittsburgh, \$24,670.00; Pennsylvania Training School for the Feeble-Minded, Elwyn, \$87,500.00; Western Pennsylvania Institution for Feeble-Minded, Polk, \$107,150.00; Pennsylvania Museum and School of Industrial Art, Philadelphia, \$20,000.00; Pennsylvania State College, \$43,666.00; Lehigh University, Bethlehem, \$75,000.00; University of Pennsylvania, Philadelphia, \$150,000.00; Williamsport Training School, \$1,500.00; Philadelphia

Museum, \$50,000.00; Cornplanter Indians, \$400.00; Pennsylvania Nautical School Ship, Philadelphia, \$12,000.00.

I find no evil in appropriating money for educational purposes with a liberal hand, but I cannot approve and justify appropriations that exceed the revenue of the State. We can afford to be liberal, and I see no direction in which liberality can better be expended than in support of the common schools and the institutions enumerated above, but our liberality should be limited by our revenue. We have created a sinking fund for the extinguishment of the State debt, and the sinking fund has increased until our net debt over and above the sinking fund on December 1st last, was only \$1,025,981.93; while by our excess of liberality we have incurred a floating debt equally as sacred of a little over three and a half millions of dollars, which is annually increasing at the rate of from \$500,000.00 to \$1,000,000.00, with no provision whatever for its payment, and with no evident and apparent intention of meeting it. It is not the fault of any one man or of any political party of the State, but rather grows out of that extravagant disregard for plain business principles which should guide the State as well as individuals.

We can go no further at the pace we have been going. One of three things must now be done. We must either increase our revenue, reduce our expenditures or borrow money. Pennsylvania was never more prosperous than at this time. Her people were never more contented and satisfied. The state was never so rich as it is to-day. More people are employed at fair wages who wish to be employed than ever before. It seems to me that everybody is prosperous but the State of Pennsylvania. The proposition to borrow money to meet the deficit in the Treasury under all these conditions is preposterous. It clearly was never

intended by anyone, and the power to borrow money is wanting. The framers of the Constitution never contemplated that there would come a time when the revenue of the State would be insufficient to meet the expenditures. Neither is it, in my judgment, advisable to recommend an increase of existing revenues. Taxes have been imposed in such a direction as to fall most lightly upon our people, but we have gone about as far as we can safely go with the present subjects of taxation, for there is a limit in taxing which, exceeded ceases to be revenue-producing.

There are no other properties or franchises to tax without returning to the burdensome days prior to 1861. It is true that from a recent decision of the Supreme Court of the State a larger revenue is anticipated for the coming fiscal year, but this cannot be accurately measured, nor can it with any certainty be relied upon. I see, therefore, no reason to expect that our revenues for the coming fiscal years will exceed the sum of \$11,687,328.50 as estimated by the State Treasurer. There may be more and there may be less. The estimated revenue for the past fiscal year was a million dollars more than the actual revenue received. I think the only safe way will be to legislate with a view of realizing no more than the revenue estimated. We turn then to our only remaining proposition, namely, the reduction of the expenditures.

The estimate of expenditures for the fiscal year ending November 30, 1899, as made by the Treasurer of the State, is \$16,164,168.37. This, of course, includes the amount due counties and school districts and normal schools, which, after deducting the available cash in the Treasury, amounts to about \$3,500,000.00 as heretofore mentioned. Some of these appropriations can undoubtedly be reduced; some of them may be withheld entirely, but the large sums appropriated for educational purposes we cannot withhold. We cannot

withhold the appropriations for the soldiers' orphans, nor the deaf and dumb children, nor the blind, nor the training schools for the feeble-minded at Elwyn and Polk, nor the industrial schools. The State has entered upon these projects, has expended large sums of money in the erection of buildings and must continue to appropriate. Some appropriations may be withheld from charitable institutions, but if all of doubtful merit are withheld and many others, there will still not be enough to enter materially upon the reduction of the accumulated indebtedness. A rigid economy must be practiced, and it shall be my purpose in all cases that I can to withhold my approval of unnecessary expenditures and appropriations.

But we must look for other remedies to meet the existing difficulties. A portion of the annual appropriation of \$5,500,000.00 for the common schools of the State could be withheld. That could be reduced. As I have before stated, it is far in excess of the amounts appropriated by other states. It is far beyond a due and reasonable proportion of our annual revenues. But the State has entered upon this project, and it might be unwise to reduce this appropriation. I would not like to recommend this except in case of necessity. I would not hesitate to do it if I saw no other way out of the difficulty, for there is one point beyond which I could not justify myself in going, and that is to approve bills which appropriate more money than the State is likely to receive in the coming fiscal year. The large appropriation to the common schools of Pennsylvania is a matter of great pride to our people. It has reduced taxation in many school districts. It has increased the attendance upon the schools, and, in the opinion of the Superintendent of Public Instruction, is working great good in the education and training of the children.

The Legislature of 1891 passed an act known as the

"Revenue act to provide increased revenue for the purpose of relieving the burdens of local taxation, etc." It imposed a tax on money at interest. These taxes are annually collected and paid into the treasury of the State. By the third section of this act, three-fourths of the money collected from each county is repaid by the State Treasurer to the county. The total fund collected under this law for 1898 was \$2,722,245.57, of which \$680,561.39 was retained by the State and \$2,041,684.18 was repaid by the State Treasurer to the counties from which it was collected. I think the people could better bear the burden of suspending the third section of this act and allowing the State to retain all of the money collected for two years than they could the reduction of the appropriation to the common schools. Were this done it would increase the revenue of the State over two million dollars annually, and in the two years give the State over four millions of dollars. This would enable the State to meet its necessary expenditures and pay its entire floating debt. I, therefore, recommend to the Legislature, and urge upon it the early passage of a law suspending the third section of the Revenue Law of 1891 for two years, and directing that all of this tax be retained by the State during that time. I see no other alternative. This must be done, or else we must reduce the appropriation for the common schools.

There is no other plan of reduction, no matter how economically or rigorously enforced, that can bring the relief which we at present need. Were this done it would result in slightly increased county taxes. Were the common school appropriation reduced, the result would be an increase of school taxes. The county tax in the various counties is now much higher proportionately than the school and municipal taxes. The people generally throughout the State would feel less the burden of slightly-increased county taxes than they

would the burden of increased school and municipal taxes. It would fall with a heavier hand upon the larger cities in the State, where is found the large sum of interest necessarily resulting from the greatest accumulation of wealth; but these large cities would suffer equally as much and perhaps more if a reduction of the appropriation for the common schools were made, and their school taxes necessarily increased. From a careful consideration of the whole matter and an earnest desire to recommend that which in my judgment is the most feasible, I can reach no other conclusion than the one I have named, and earnestly urge upon the Legislature its early consideration and adoption.

It does not seem to me that there will be any occasion for an extended session of the present Legislature, and I am very glad that an early day to adjourn has been agreed upon. Legislation should be confined to clear and admitted wants and should not be speculative nor adventuresome.

A practice has grown up of carrying employes upon the rolls not authorized by existing law, and whose compensation is fixed by appropriation bills in the closing hours of the session. There is great danger of unnecessarily increasing the number of employes by this practice. I can see no reason why it should be continued. The Legislature is the proper judge of the number of employes necessary to properly transact its business, and the public will justify a reasonable increase if there is a necessity for it. But the impression prevails that abuses have grown up through the custom of carrying the employes upon the rolls and depending upon the appropriation bills in the closing hours of the session for their compensation.

This custom should prevail no longer. If an additional number of employes is needed in the House and Senate to properly transact the business of these

bodies, let a bill be prepared reasonably increasing the number. If such legislation shall fail it would more than likely indicate that there was no necessity for an increase. I do not know as yet whether a necessity for an increase exists or not; it seems to me that the Legislature is the proper judge of that, but I shall feel justified in withholding my approval from bills appropriating money to pay employes not authorized by pre-existing law.

I deem it also proper to express the hope that the present Legislature may refrain from passing resolutions for investigating committees to investigate industrial and other questions where the necessity for such investigation is not clear. An investigation is never necessary unless to inform the legislative bodies fully upon existing evils. Where sufficient information exists to enable the Legislature to remedy admitted wrongs by legislation there is no necessity for an investigation, and it is rarely that a subject comes before a legislative body where investigation and report are necessary to properly inform the legislators. These investigations withdraw the attention of the legislators from the proper scope and line of their respective duties, prolong the session of the Legislature and are unnecessarily expensive to the State.

The present Legislature, by wisely refraining from these errors, can do much to create that confidence which should always exist between the representatives and the people whom they represent.

There are many other subjects which I perhaps ought to discuss in this address, but I have confined myself to those which it seemed to me to be my duty to discuss at this time. With a better knowledge of other matters I shall be better able to express my views upon them. I shall communicate freely with the Legislature such views as I may have upon public questions, and hope that each member of each legisla-

tive body will freely communicate his impressions and views to me. By this frankness and freedom upon the part of the Executive and Legislative Departments we will be the better able to avoid action detrimental to the State and to perform the acts that shall be beneficial to the State. I shall be glad to exchange any recommendation that I may have to make for a better one if a better one can be pointed out to me. I am interested in and desire no legislation that shall not be for the public good.

I may not realize fully my ambition to be a good Governor. That will be as it may. The people alone will determine that. But I shall earnestly try to make a good Governor, and I promise to tell the people the whole truth about State affairs, no matter how unpleasant to myself and others it may be.

WILLIAM A. STONE.

To the Senate Nominating Edgar C. Gerwig, Private Secretary to the Governor.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, January 18, 1899.

Gentlemen:—

I HAVE THE HONOR HEREBY TO INFORM YOU that I have appointed Edgar C. Gerwig, of Allegheny county, to be Private Secretary to the Governor.

WILLIAM A. STONE,
Governor.

To the Senate Nominating William W. Griest, Secretary of the Commonwealth.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, January 18, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, William W. Griest, of Lancaster county, to be Secretary of the Commonwealth of Pennsylvania.

WILLIAM A. STONE.

To the Senate Nominating John P. Elkin, Attorney General.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, January 18, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor to nominate for the advice and consent of the Senate, John P. Elkin, of Indiana county, to be Attorney General of the Commonwealth of Pennsylvania.

WILLIAM A. STONE,

To the Senate Nominating Thomas J. Stewart, Adjutant General, with Rank of Brigadier General.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, January 18, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Thomas J. Stewart, of Montgomery county, to be Adjutant General of the Commonwealth of Pennsylvania, with rank of Brigadier General from January 15, 1895.

WILLIAM A. STONE.

To the Senate Nominating Israel W. Durham, Insurance Commissioner.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, January 18, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Israel W. Durham, of Philadelphia county, to be Insurance Commissioner of the Commonwealth of Pennsylvania, to serve until the first Monday of May, 1900, vice James H. Lambert, removed.

WILLIAM A. STONE.

To the Senate Nominating John W. Woodside, a
Commissioner of Valley Forge.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, January 19, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, John W. Woodside of Philadelphia to be Commissioner of Valley Forge, vice Francis M. Brooke, deceased, to serve until June 8, 1903.

WILLIAM A. STONE.

To the Senate Recalling Certain Executive Nominations.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, January 19, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to recall the following nominations made to the Senate by Executive messages, dated January 3, 1899:

William B. Hamaker, M. D., Meadville; A. H. Hulshizer, M. D., Philadelphia; to be members of the Board of Medical Examiners, representing the Medical Society of the State of Pennsylvania.

Samuel R. Downing, West Chester, to be a member of the State Board of Agriculture.

Mrs. Eleanor S. Barker, Philadelphia; Miss Mary S. Garrett, Philadelphia, to be trustees of the Home for the Training in Speech of Deaf Children before they are of School Age, located at Philadelphia.

William T. Bradberry, Allegheny; E. W. Echols, Franklin; J. N. Davidson, Allegheny; William Withers, Pittsburgh, to be trustees of the State Institution for Feeble Minded of Western Pennsylvania at Polk.

Holstein DeHaven, Philadelphia; Joel J. Bailey, Philadelphia; Tatnall Paulding, Philadelphia; Samuel W. Pennypacker, Philadelphia; Samuel S. Hartranft, Norristown; Henry A. Muhlenberg, Reading; William Wayne, Paoli; Levi G. McCauley, West Chester, to be Commissioners of Valley Forge.

John Evans, Pittsburgh, to be inspector of steam engines and steam boilers in and for Allegheny county.

J. Wilson Greenland, Clarion; R. B. Stone, Bradford; T. J. Smiley, Titusville; O. C. Allen, Warren, to be trustees of the State Hospital for the Insane at Warren.

John G. Prizer, Schwenksville; George M. Stiles, M. D., Conshohocken, to be trustees of the State Hospital for the Insane at Norristown.

Thomas C. Gibson, Greenville, to be a trustee of the Cottage State Hospital for Injured Persons of the Bituminous and Semi-Bituminous Coal Regions of Pennsylvania at Mercer.

Donald C. Haldeman, Harrisburg, to be a trustee of the Pennsylvania State Lunatic Hospital at Harrisburg.

William E. Irwin, Philipsburg; George W. McGaffey, Philipsburg, to be trustees of the Cottage State Hospital for Injured Persons of the Bituminous and Semi-Bituminous Coal Regions of Pennsylvania at Philipsburg.

Fountain W. Crider, Bellefonte, to be a trustee of the State Hospital for the Insane at Danville.

J. B. Kremer, Carlisle; Savery Bradley, Philadelphia; Henry M. Dechert, Philadelphia, to be trustees of the State Asylum for the Chronic Insane at Wernersville.

William H. Egle, M. D., Harrisburg, to be State Librarian.

James Campbell, Pittsburgh, to be Factory Inspector.

Conrad B. Day, Philadelphia; Andrew J. Maloney, Philadelphia; George Vaux, Jr., Philadelphia; Henry Z. Ziegler, Philadelphia; Henry Tatnall, Philadelphia, to be inspectors of the State Penitentiary for the Eastern District of Pennsylvania.

J. Hay Brown, Lancaster, to be a member of the board of managers of the State Industrial Reformatory at Huntingdon.

Hay Walker, Jr., Allegheny, to be a manager of the Pennsylvania Reform School at Morganza.

David T. Watson, Pittsburgh; Ellis Ames Ballard, Philadelphia; Henry T. Harvey, Lock Haven, to be commissioners for the Promotion of Uniformity of Legislation in the United States.

Pemberton Dudley, M. D., Philadelphia; George G. Groff, M. D., Lewisburg, to be members of the State Board of Health and Vital Statistics.

Mahlon H. Dickinson, Philadelphia; George I. McLeod, M. D., Philadelphia; Francis J. Torrance, Allegheny; Isaac J. Wistar, Philadelphia; Isaac Johnson, Media, to be commissioners of the Board of Public Charities.

Harry Walter, Wilkes-Barre; J. C. McNeil, Pittsburgh; Simon J. J. Harger, Philadelphia; W. Horace Hoskins, Philadelphia, to be members of the State Board of Veterinary Medical Examiners.

J. A. Libby, D. D. S., Pittsburgh; G. W. Klump, D. D. S., Williamsport; C. V. Kratzer, D. D. S., Reading. H. E. Roberts, D. D. S., Philadelphia; Henry Gerhart, D. D. S., Lewisburg; Robert Huey, D. D. S., Philadelphia, to be members of the Board of Dental Examiners of the State of Pennsylvania.

Henry C. Porter, Towanda, to be a member of the State Pharmaceutical Examining Board.

A. P. Burton, Erie; J. Lewis Good, Philadelphia, to be members of the State Board of Undertakers.

Irving A. Stearns Wilkes Barre; Charles Heebner, Philadelphia; James H. Worden, Harrisburg; E. B. Westfall, Williamsport, to be members of the Board of Game Commissioners.

S. B. Stillwell, Scranton; Louis Streuber, Erie; Henry C. Demuth, Lancaster; James W. Correll, Easton, to be State Fishery Commissioners.

William R. Tucker, Philadelphia, to be master warden of the Port of Philadelphia.

Benjamin Lee, M. D., Philadelphia, to be health officer in and for the city and port of Philadelphia.

Thomas MacDowell Jones, Harrisburg, to be Superintendent of Public Printing and Binding.

Henry T. Fernald, Ph. D., State College, to be Economic Zoologist.

Robert Brownlee, Ralston, to be Chief of the Bureau of Mines.

Thomas Potter, Jr., Philadelphia, to be Quartermaster General of the National Guard of Pennsylvania.

George O. Rush, Farmington, to be Superintendent of the Cumberland Road in the counties of Fayette and Somerset.

Robert Pitcairn, Pittsburgh, to be a member of the Board of Managers of the Western Pennsylvania Hospital at Dixmont.

WM. A. STONE,
Governor.

To the Senate Nominating Trustees of the State Hospital for the Insane at Norristown.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, January 23, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate the following named gentlemen to be trustees of the State Hospital for the Insane, at Norristown, for the term of three years from the date set opposite their names respectively:

George M. Stiles, M. D., Conshohocken, November 29, 1898.

Jesse K. Cope, West Chester, January 23, 1899.

WILLIAM A. STONE.

To the Senate Nominating Thomas G. Sample, Superintendent of Public Printing and Binding.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, January 24, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Thomas G. Sample, of Allegheny, to be Superintendent of Public Printing and Binding to serve until July 1, 1901.

WILLIAM A. STONE.

To the Senate Nominating James Campbell, Factory
Inspector.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, January 24, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, James Campbell, of Pittsburgh, to be Factory Inspector for the term of three years from January 15, 1898.

WILLIAM A. STONE.

To the Senate Nominating Robert Pitcairn, a Manager of the Western Pennsylvania Hospital at Dixmont.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, January 25, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Robert Pitcairn of Pittsburgh, to be a member of the Board of Managers of the Western Pennsylvania Hospital at Dixmont, for the term of one year from June 30, 1898.

WILLIAM A. STONE.

To the Senate Nominating Edward E. Robbins, Commissary General.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, January 30, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Edward E. Robbins, of Greensburg, to be Commissary General of the National Guard of Pennsylvania, with rank of colonel.

WILLIAM A. STONE.

To the Senate Nominating John V. Shoemaker, M. D., Surgeon General.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, January 30, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, John V. Shoemaker, M. D., of Philadelphia, to be Surgeon General of the National Guard of Pennsylvania with rank of colonel.

WILLIAM A. STONE.

To the Senate Nominating Thomas Potter, Jr., Quar-
ter-master General.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, January 30, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE
honor hereby to nominate for the advice and con-
sent of the Senate, Thomas Potter, Jr., of Philadel-
phia to be Quartermaster General of the National
Guard of Pennsylvania with rank of colonel.

WILLIAM A. STONE.

To the Senate Nominating George Edward Reed,
State Librarian.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg January 30, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE
honor hereby to nominate for the advice and con-
sent of the Senate, George Edward Reed, D. D.,
Carlisle, to be State Librarian to serve until the first
Monday of February, 1902.

WILLIAM A. STONE.

To the Senate Nominating George O. Rush, Superintendent of the Cumberland Road.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, February 1, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, George O. Rush, of Farmington, to be Superintendent of the Cumberland Road, in the counties of Fayette and Somerset, to serve from December 15, 1898, to March 14, 1899, vice German D. Speer, deceased.

WILLIAM A. STONE.

To the Senate Nominating Daniel J. McCarthy, a Trustee of the State Hospital of the Middle Coal Field at Hazleton.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, February 2, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Daniel J. McCarthy, of Freeland, to be trustee of the State Hospital of the Middle Coal Field of Pennsylvania at Hazleton, vice Anthony Rielly, deceased, to serve until lawfully determined or annulled.

WILLIAM A. STONE.

To the Senate Nominating Hay Walker, Jr., Manager
of the Pennsylvania Reform School.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, February 2, 1899.

IN CONFORMITY WITH LAW, I HAVE THE
honor hereby to nominate for the advice and con-
sent of the Senate, Hay Walker, Jr., of Allegheny,
to be manager of the Pennsylvania Reform School at
Morganza, to serve from November 22, 1898, until first
Monday of May, 1901, vice Joseph Albree, deceased.

WILLIAM A. STONE.

To the Senate Nominating Frank L. Smith, a Trus-
tee of the State Hospital for the Insane at Norris-
town.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, February 7, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE
honor hereby to nominate for the advice and con-
sent of the Senate, Frank L. Smith, of Norristown, to
be trustee of the State Hospital for the Insane, at Nor-
ristown, to serve until January 29, 1902.

WILLIAM A. STONE.

To the Senate Nominating Trustees of the State Hospital for the Insane at Warren.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, February 7, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following named gentlemen to be trustees of the State Hospital for the Insane, at Warren, for the term of three years from the date set opposite their names, respectively:

J. Wilson Greenland, Clarion, June 26, 1897.

R. B. Stone, Bradford, October 1, 1898.

T. J. Smiley, Titusville, October 1, 1898.

O. C. Allen, Warren, December 24, 1898.

WILLIAM A. STONE.

To the Senate Nominating Donald C. Haldeman, a Trustee of the State Lunatic Hospital at Harrisburg.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, February 7, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Donald C. Haldeman, of Harrisburg, to be a trustee of the Pennsylvania State Lunatic Hospital, at Harrisburg, from August 25, 1897, until April 6, 1899, vice Louis W. Hall, deceased.

WILLIAM A. STONE.

To the Senate Nominating J. Hay Brown, a Manager
of the State Industrial Reformatory at Hunting-
don.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, February 7, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE
honor hereby to nominate for the advice and con-
sent of the Senate, J. Hay Brown, of Lancaster,
to be a member of the Board of Managers of the State
Industrial Reformatory, at Huntingdon, for the term
of ten years, to compute from May 15, 1898.

WILLIAM A. STONE.

To the Senate Nominating Members of the State
Board of Veterinary Medical Examiners.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, February 7, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE
honor hereby to nominate for the advice and con-
sent of the Senate, the following named gentle-
men to be members of the State Board of Veterinary
Medical Examiners, for the term of three years from
the date set opposite their names, respectively:

Harry Walter, Wilkes-Barre, first Monday of Sep-
tember, 1897.

J. C. McNeil, Pittsburgh, first Monday of Septem-
ber, 1897.

Simon J. J. Harger, Philadelphia, first Monday of
September, 1898.

W. Horace Hoskins, Philadelphia, first Monday of September, 1898.

WILLIAM A. STONE.

To the Senate Nominating Henry C. Porter, a Member of the State Pharmaceutical Examining Board.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, February 7, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Henry C. Porter, of Towanda, to be a member of the State Pharmaceutical Examining Board, for the term of five years, to compute from June 23, 1898.

WILLIAM A. STONE.

To the Senate Nominating Charles C. Adams, a Commissioner of Valley Forge.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, February 8, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Charles C. Adams, of Philadelphia, to be Commissioner of Valley Forge, to serve until June 8, 1903, vice William J. Latta, resigned.

WILLIAM A. STONE.

To the Senate Nominating Trustees of the Home for the Training in Speech of Deaf Children Before they are of School Age, Located at Philadelphia.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, February 8, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following ladies to be trustees of the Home for the Training in Speech of Deaf Children Before they are of School Age, located at Philadelphia, for the term of five years from the date set opposite their names, respectively:

Mrs. Eleanor S. Barker, Philadelphia, July 14, 1897.

Miss Mary S. Garrett, Philadelphia, July 14, 1898.

WILLIAM A. STONE.

To the Senate Nominating Fountain W. Crider, a Trustee of the State Hospital for the Insane at Danville.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, February 10, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Fountain W. Crider, of Bellefonte, to be a trustee of the State Hospital for the Insane, at Danville, from March 3, 1898, until July 1, 1899, vice William D. Himmelreich, deceased.

WILLIAM A. STONE.

To the Senate Nominating Thomas W. Marshall, a
Trustee of the State Hospital for the Insane at Nor-
ristown.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, Pa., February 15, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE
honor hereby to nominate for the advice and con-
sent of the Senate, Thos. W. Marshall, of West
Chester, to be trustee of the State Hospital for the In-
sane at Norristown, to serve three years from Febru-
ary 15th, 1899.

WILLIAM A. STONE.

To the Senate Nominating C. Egbert Brindle a Com-
missioner on Border Claims.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, February 18, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE
honor hereby to nominate for the advice and con-
sent of the Senate, C. Egbert Brindle, of Me-
chanicsburg, to be a member of the Commission to pre-
sent before Congress of the United States the claims of
the citizens of the border counties for losses sustained
during the War of the Rebellion, vice B. M. Nead.

WILLIAM A. STONE.

To the Senate Nominating State Game Commissioners.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, February 24, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following named gentlemen to be members of the Board of Game Commissioners, to serve until the dates set opposite their names, respectively:

Irving A. Stearns, Wilkes-Barre, November 17, 1900.

Charles B. Penrose, Philadelphia, November 17, 1900.

James H. Worden, Harrisburg, November 17, 1901.

E. B. Westfall, Williamsport, November 17, 1901.

WILLIAM A. STONE.

To the Senate Nominating Thomas C. Gibson, a Trustee of the Cottage State Hospital for Injured Persons of the Bituminous and Semi-Bituminous Coal Regions at Mercer.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, February 27, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Thomas C. Gibson, of Greenville, to be a trustee of the Cottage State Hospital for Injured Persons of the Bituminous and Semi-Bituminous

ous Coal Regions of Pennsylvania, at Mercer, from August 31, 1897, until lawfully determined or annulled, vice James P. Whittla, resigned.

WILLIAM A. STONE.

To the Senate Nominating State Fishery Commissioners.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, February 27, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following named gentlemen to be State Fishery Commissioners until the date set opposite their names, respectively:

S. B. Stillwell, Scranton, July 15, 1900.

John Hamberger, Erie, July 15, 1900.

Henry C. Demuth, Lancaster, July 15, 1901.

James W. Correll, Easton, July 15, 1901.

WILLIAM A. STONE.

To the Senate Nominating Thomas J. Powers, Commissioner of Banking.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, February 28, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Thomas J. Powers, of Philadelphia, to be Commissioner of Banking for the term of four years.

WILLIAM A. STONE.

To the Senate Nominating Trustees of the Cottage State Hospital for Injured Persons of the Bituminous and Semi-Bituminous Coal Regions at Philipsburg.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, February 28, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate the following named persons to be Trustees of the Cottage State Hospital for Injured Persons of the Bituminous and Semi-Bituminous Coal Regions of Pennsylvania at Philipsburg:

William E. Irwin, Philipsburg.

G. H. Lichtenthaler, Philipsburg, vice G. W. McGaffey.

J. E. Hedding, Morrisdale Mines, vice O. P. Jones, deceased.

WILLIAM A. STONE.

To the Senate Nominating Members of the Board of Medical Examiners Representing the Medical Society of Pennsylvania.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, March 9, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following named persons to be members of the Board of Medical Examiners, representing the Medical Society of the State of Pennsylvania, to serve for the term of three years from March 1, 1899:

Winters D. Hamaker, Meadville.

Allen H. Hulshizer, Philadelphia.

WILLIAM A. STONE.

To the Senate Nominating John H. Weiss, Judge of the Court of Common Pleas of the Twelfth Judicial District.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, March 14, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, John H. Weiss, of Harrisburg, to be judge of the court of common pleas of the Twelfth Judicial district of Pennsylvania, composed of the county of Dauphin, to serve until the first Monday of January, 1900, vice John B. McPherson, resigned.

WILLIAM A. STONE.

To the Senate Nominating Members of the State
Board of Undertakers.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, March 16, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate the following named persons to be members of the State Board of Undertakers, to serve until the dates set opposite their names, respectively:

Charles F. Bucannan, Ellwood City, Lawrence county, to serve until October 26, 1900, vice A. P. Burton.

J. Lewis Good, Philadelphia, to serve until October 14, 1901.

WILLIAM A. STONE.

To the Senate Nominating Members of the State
Board of Health and Vital Statistics.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, March 16, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate the following named persons to be members of the State Board of Health and Vital Statistics, to serve until September 9, 1903, respectively:

Dr. Charles E. Harvey, Philadelphia, vice George G. Groff.

Dr. P. A. Boyer, Selins Grove, vice Pemberton Dudley.

WILLIAM A. STONE.

To the Senate Nominating Members of the Board of
Medical Examiners Representing the Homeopathic
Medical Society of Pennsylvania.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, March 16, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE
honor hereby to nominate for the advice and con-
sent of the Senate the following named persons
to be members of the Board of Medical Examiners rep-
resenting the Homoeopathic Medical Society of Penn-
sylvania, to serve for the term of three years from
March 1, 1899:

Edward Cranch, Erie.

Joseph C. Guernsey, Philadelphia.

WILLIAM A. STONE.

To the Senate Nominating A. H. Bowen a Commis-
sioner of Valley Forge.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, Pa., March 17, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE
honor hereby to nominate for the advice and con-
sent of the Senate, A. H. Bowen, of Chester coun-
ty, to be a Commissioner of Valley Forge, to serve
until June 8, 1903, vice Levi G. McCauley, resigned.

WILLIAM A. STONE.

Arbor Day Proclamation—1899.



IN THE NAME AND BY THE
authority of the Common-
wealth of Pennsylvania.
Executive Department.

A PROCLAMATION.

Arbor day has long since become more than a name. Since the idea was first inaugurated of setting apart a day upon which to systematically plant trees and shrubs and thus in part, at least, reclaim the plains and waste-lands of our great country, it has steadily grown from a sentiment to a duty and a pleasure. State after State has joined in the great work until to-day millions of trees and shrubs silently commend the wisdom of this course, adding beauty and comfort to our homes and cities and greatly increasing the wealth of our State.

In our Commonwealth, highways have been improved, public parks and school grounds beautified, and great strides have been made toward permanently repairing the injury caused by a too rapid destruction of our forests.

In order that a work so successful and beneficent may not be overlooked, and that our citizens, both young and old, may continue to contribute their share in this great movement, I, WILLIAM A. STONE, Governor of the Commonwealth of Pennsylvania, in accordance with law, do hereby designate and proclaim Friday, the Seventh day of April, and Friday, the Twenty-eighth day of April, A. D. 1899, to be observed as Arbor Days throughout the Commonwealth.

Two days are set apart for the observance of Arbor Day. Inasmuch as the climatic conditions may render one of these days more favorable for the purpose in-

citizens of the various sections of the Commonwealth. tended than the other, the selection is left with the



Given under my hand and the Great Seal of the State at the City of Harrisburg, this Eighteenth day of March in the year of our Lord one thousand eight hundred and ninety-nine, and of the Commonwealth the one hundred and twenty-third.

WILLIAM A. STONE.

By the Governor,
W. W. GRIEST,
Secretary of the Commonwealth.

To the Senate Nominating Members of the Board of
Examiners of Candidates for the Position of Engine
and Boiler Inspector.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, March 22, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate the following named persons to be members of the Commission to Examine Applicants for inspector of steam engines and boilers in Allegheny county:

Samuel B. Rheam, Pittsburgh.

William Cavitt, Pittsburgh.

Peter Sullivan, Pittsburgh.

August Snyder, Allegheny.

James Lappan, Pittsburgh.

WILLIAM A. STONE.

To the Senate Nominating Members of the Board of
Dental Examiners.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, March 29, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, the following named persons to be members of the Board of Dental Examiners of Pennsylvania, to serve until the dates set opposite their names respectively:

J. A. Libby, Pittsburgh, September 1, 1899.

V. D. Gibson, Erie, September 1, 1899, vice G. H. Klump.

U. S. G. Moore, Shamokin, September 1, 1900, vice H. E. Roberts.

Dalton D. Cunningham, Ellwood City, September 1, 1900, vice C. A. Kratzer.

Henry Gerhart, Lewisburg, September 1, 1901.

Robert Huey, Philadelphia, September 1, 1901.

WILLIAM A. STONE.

To the Senate Nominating Trustees of the State Hospital for the Insane at Harrisburg.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, April 4, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate the following named persons to be trustees of the State Hospital for the Insane, Harrisburg, to serve for the term of three years from April 6, 1899:

William K. Alricks, Harrisburg.

Donald C. Haldeman, Harrisburg.

WILLIAM A. STONE.

Proclamation of a Legal Holiday to be Known as
"Dewey Day."

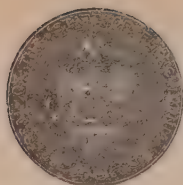


IN THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania. Executive Department.

A PROCLAMATION.

By authority of the Concurrent Resolution of the Legislature of Pennsylvania approved March 21, A. D. 1899, which recognizes Monday, May first, 1899, as the first anniversary of the victory of the American Squadron commanded by Admiral George Dewey, in which the Spanish Fleet was sunk in Manila Harbor, one of the greatest achievements in naval warfare the world has ever known; and to enable the people of the Commonwealth of Pennsylvania to take part with the citizens of other states in the proper observance of said day,

I, William A. Stone, Governor of the Commonwealth of Pennsylvania, do hereby name Monday, May first, 1899, as Dewey Day and designate the same as a legal holiday and recommend to the people of the State its proper observance.



twenty-third.

Given under my hand and the Great Seal of the State at the City of Harrisburg, this fifth day of April in the year of our Lord one thousand eight hundred and ninety-nine, and of the Commonwealth the one hundred and

WILLIAM A. STONE.

By the Governor:

Lewis Beitler,

Deputy Secretary of the Commonwealth.

To the Assembly Vetoing an Act to Protect the Public from the Unlawful use of Bottles, Jars, Vessels, or other Packages, in the sale and Delivery of Milk and Cream and Their Products.

I RETURN HEREWITH, WITHOUT MY APPROVAL, House bill No. 15, entitled "An act to protect the public from the unlawful use of bottles, jars, vessels, or other packages, in the sale and delivery of milk and cream and their products."

This act is evidently intended as a supplement to the act approved May 4, 1899, entitled "An act to prevent and punish the wrongful use or detention or misappropriation of milk cans, butter tubs and market boxes from the owners thereof, and the mutilation or obliteration of the name or residence of the owner on such cans, tubs or boxes," but varies from it in important particulars. The act of 1889 imposes a penalty for the use of milk cans, butter tubs or boxes of other persons without their consent.

This act when literally construed imposes a penalty upon any person who shall use any bottle, vessel, jar

or any package upon which is stamped, blown or engraved the name, title or mark of any other person than himself, and might before ignorant or partial magistrates be used as a means of much annoyance to people who had not violated the rights of others in the trade. Besides, the act of 1889 imposes a fine "not exceeding one hundred dollars, or imprisonment not exceeding thirty days, or both, or either, at the discretion of the court," while this act imposes a fine not exceeding one hundred dollars and imprisonment not exceeding six months, either or both, at the discretion of the court. The imprisonment of six months seems to be too great for the offense. This act simply intends to impose a fine or imprisonment upon any person who shall use the trade mark of another without his consent. The courts are open to restrain by injunction any person who shall use the name, design or trade mark of another without his consent, not only in the milk business, but in any other legitimate business, and will award damages for such unwarranted use.

I can see no reason why this business should be protected by the imposition of a penalty so severe, more than any other business, and am not disposed to favor legislation which seeks to redress injuries of this kind by so severe and, in my judgment, unwarranted remedies.

The title of the act is, "To protect the public from the unlawful use of bottles, jars, vessels, or other packages, in the sale and delivery of milk and cream and their products." The public is already protected by penalties, under the acts of May 25, 1878, and July 7, 1885, for the sale of milk or cream adulterated in any manner, but the body of the act does not seek to protect the public, but to impose a severe penalty on any person who shall use any bottle, vessel, jar, or other package, upon which is stamped, blown or engraved a name, title or mark other than his own.

The bill apparently, under the intention declared in its title, masks the purpose which might be used by designing persons to destroy that free and unrestricted competition in a legitimate business which should be open to all.

WILLIAM A. STONE.

To the Assembly Vetoing an Act to Amend "An act to limit the Duration of the lien of the Debts of Decedents Other Than those of Record," Extending the Duration of the Lien of the Debts of a Decedent Upon Real Estate to Five Years.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, Pa., April 8, 1899.

I RETURN HEREWITH, WITHOUT MY APPROVAL, House bill No. 35, entitled "An act to amend the act, entitled 'An act to limit the duration of the lien of the debts of decedents other than those of record,' approved the eighth day of June, Anno Domini one thousand eight hundred and ninety-three, extending the duration of the lien of the debts of a decedent upon real estate to five years."

The present law, which this bill seeks to amend, gives a creditor holding an unsecured account against the decedent two years in which to prosecute his claim. It limits the lien of the debt against the decedent to a period of two years after the decease of such debtor. The unadjudicated account of the creditor is not a lien on the real estate of the debtor during his life, but becomes such the moment the debtor dies. This partiality in favor of the creditor should not be extended beyond a reasonable period. I am inclined to think

that two years is a reasonable period, and I think it is so regarded in general by the bench and the bar of the State.

The extension of the time to a period of five years would compel heirs at law to wait that length of time before they could convey real estate of the decedent with safety, and no person could with safety purchase at private sale until the period of five years had elapsed. I can see no reason why an inheritance in lands should be locked up for so long a period, and children who might be dependent thereon deprived of the right to enjoy that which their ancestors intended them to have.

This bill would extend the lien of debts of decedents upon which the two years had not yet expired to a period of five years from the date of the death of the decedent and, of course, affect all cases hereafter. It would throw a cloud upon titles and put an embargo upon the sale of real estate. Besides, it is a radical and positive change in the rules of adjustment and settlement of decedents' estates, which should never be made unless justice demands it. Adherence to settled rules of law in matters that affect so many people affords better security and confidence than sweeping and radical changes.

WILLIAM A. STONE.

To the Senate Nominating William Bell, Engine and
Boiler Inspector.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, April 11, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate William Bell, of Allegheny county, to be Inspector of Steam Engines and Steam Boilers in and for Allegheny county, to fill the unexpired term of two years, ending May 9, 1900.

WILLIAM A. STONE.

To the Senate Nominating Charles I. Landis, an Additional Law Judge for the Second Judicial District.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, April 11, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, Charles I. Landis, of Lancaster, to be Additional Law Judge for the Second Judicial district, vice Henry Clay Brubaker, deceased, to serve until the first Monday in January, 1900.

WILLIAM A. STONE.

To the Senate Nominating Commissioners for the
Promotion of Uniformity of Legislation in the
United States.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, April 11, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE
honor hereby to nominate for the advice and con-
sent of the Senate the following named gentlemen
to be commissioners for the promotion of uniformity
of legislation in the United States, for the term of two
years from the date set opposite their names, respec-
tively:

David T. Watson, June 24, 1898.

Ellis Ames Ballard, Philadelphia, June 24, 1898.

Henry T. Harvey, Lock Haven, June 24, 1898.

WILLIAM A. STONE.

To the Senate Nominating Commissioners of the
Board of Public Charities.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, April 13, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE
honor hereby to nominate for the advice and con-
sent of the Senate the following named gentlemen
to be Commissioners of the Board of Public Charities:
Francis J. Torrence, Pittsburgh, for the term of five
years from July 3, 1898.

Isaac J. Wistar, Philadelphia, for the term of five
years from July 3, 1898.

George I. McLeod, Philadelphia, for the term of five years from July 3, 1898.

Isaac Johnson, Media, for the term of five years from November 17, 1898.

Ralph Blum, Philadelphia, to serve until October 25, 1893, vice Mahlon H. Dickinson.

P. C. Boyle, Oil City, to serve until June 19, 1901. vice Charles Miller, resigned,

WILLIAM A. STONE.

To the Assembly vetoing a Supplement to "An act to Provide for the Incorporation and Regulation of Savings Banks and Institutions without Capital Stock, established for the Encouragement of Saving Money," authorizing and Regulating Branch Offices of Such Banks and Institutions.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., April 14, 1899.

I RETURN HEREWITH, WITHOUT MY APPROVAL, House bill No. 86, entitled "A supplement to an act, entitled 'An act to provide for the incorporation and regulation of savings banks and institutions without capital stock, established for the encouragement of saving money,' approved the twentieth day of May, one thousand eight hundred and eighty-nine, authorizing and regulating branch offices of such banks and institutions."

The act to which this is a supplement has not found general favor with the public. It authorizes the organization of savings banks without capital stock, and without fixing any liability upon the directors or stock-

holders to depositors. It returns no profits to persons organizing a savings bank under this act, and does not exhibit any inducements for organization under it, but affords opportunities to persons to divert funds of depositors, and, in my judgment, any extension or enlargement of the powers of trustees of savings banks chartered under the act to which this is a supplement should not be encouraged.

The act under consideration, which is a supplement to the act of 1889, authorizes the establishment of branch savings banks within the limits of the county in which the original office is established. The depositor has no guarantee except the honesty of the trustees, aided by the watchfulness of the State officials. Banks should never be authorized, except under the most rigid and exacting laws for the protection of the depositor. There is no community in our State where the people do not have access to banks under laws more favorable for their protection, and if banking facilities are not at present sufficient to meet the demands of the public in any locality, it is not likely they will long remain so, for banking like every other legitimate business is quick to respond to the demands of any and all communities.

If there should be any particular demand for a savings bank at any point in the Commonwealth, one can be organized under the act to which this is a supplement, and I see no demand for the establishment of branch savings banks and no reason why this bill should receive Executive approval.

WILLIAM A. STONE.

To the Assembly vetoing an Act Granting a Pension
to Evan James.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., April 14, 1899.

I RETURN HEREWITH, WITHOUT MY APPROVAL, House bill No. 166, entitled "An act granting a pension to Evan James."

This bill proposes to put one Evan James on the pension roll, at the rate of eight dollars per month, for injuries received in a railroad collision on a train coming from Greencastle, to Harrisburg, in 1862, while a private in company I, Twelfth Pennsylvania Volunteer Militia.

This accident occurred, according to the recital in the bill, thirty-seven years ago, which fact in itself, it seems, would justify the withholding of Executive approval. Pensions are granted by the United States Government to all Union soldiers disabled in the Civil War. The State should not place any citizen upon its pension roll, except where the injury is of such a character, and the services rendered are of such a character, as to justify the expenditure. The person injured was not a soldier of the United States Army. He was a member of the State Militia, called out by the Governor to resist an invasion of the State. The strong probabilities are that, if the injuries were of such a character as to justify the State in granting a pension, it would have been awarded many years ago. I do not think at this late day the State should grant a pension to any person injured in the Civil War, unless the circumstances were such as to remove all doubt as to the merits of the claim and afford a sufficient explanation of the long delay in presenting it.

WILLIAM A. STONE.

To the Assembly Vetoing a Joint Resolution Providing for the Appointment of a Joint Committee to Investigate the Contemplated Violation of Its Corporate Rights and Privileges by the Susquehanna Canal Company.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, Pa., April 14, 1899.

I HEREWITH RETURN, WITHOUT MY APPROVAL, concurrent resolution, originating in the House of Representatives, April 3, 1899, and concurred in by the Senate, and received by me April 5, A. D. 1899. The resolution recites, inter alia, that the Susquehanna Canal Company was authorized by the act of April 15, 1835, and its supplements, to erect a dam across the Susquehanna river at or near the borough of Columbia for the purpose of acting as a feeder to its system, and that, under the 14th section it was denied the right to engage in certain kinds of business therein designated. It further recites that it is the intention of this corporation to exceed its corporate rights and privileges, and, because of these alleged unlawful acts, a committee to consist of two Senators and three members is to be appointed to inquire into the alleged infraction of the law and make report thereof to the Legislature.

If such a committee should be appointed, and, after investigation, should make a report to the Legislature, it is not clear what further action could be taken by your body in reference to the questions raised. The act of June 14, 1836 (P. L. 621), provides all the legal machinery necessary to remedy every evil complained about in the recitals of the resolution. Section 3 of said act imposes upon the Attorney General the duty to proceed in all such cases, and provides, among other things, as follows: When "any corporation has for-

feited its corporate rights, privileges or franchises as aforesaid, or exercised any power, privilege or franchise not granted or appertaining to such corporation, it shall be his duty to file, or cause to be filed, a suggestion as aforesaid, and to proceed thereon for the determination of the matter." Under this authority it is the practice to permit any citizen, who desires so to do, to make complaint to the Attorney General of the alleged misuse of corporate powers, privileges or franchises, and if the facts warrant the procedure it is incumbent on the Attorney General to file a suggestion in the proper court asking for a writ of ouster against the corporation in so far as it exceeds its corporate franchises. The law having already provided the necessary authority to inquire into the matters complained about, I deem it a work of supererogation to have further legislation on the subject. Should the committee asked for be appointed and make report to the Legislature, the whole matter, under the acts of Assembly, would necessarily be referred to the law officer of the Commonwealth, and this can as well be done without the delay and expense of legislative investigations. I consider it unwise to encourage the appointment of investigating committees. On general principles I am not in sympathy with their appointment. There may be occasions when the public good requires such investigations, but in most instances no useful purpose is served thereby. The resolution makes no provision for the payment of the expenses of the committee, which, I take it, means that the State will be called on at a later period to pay the expenses of the proposed investigation. I am strongly of opinion that the expenses of all investigating committees should be limited in the resolutions creating them, otherwise most unreasonable demands will be made upon the State Treasury. For these, and other

reasons that could be urged with propriety, I feel it to be my duty to withhold my approval.

WILLIAM A. STONE.

To the Senate Nominating Trustees of the State Lunatic Hospital at Harrisburg.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, April 14, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate the following named gentlemen to be trustees of the Pennsylvania State Lunatic Hospital at Harrisburg, to serve for the term of three years from April 6, 1899:

Alexander Craig, Columbia.

Peter E. Buck, Ashland.

WILLIAM A. STONE.

To the Senate Vetoing "An Act to Enlarge the Competency of the Wife to Testify Against her Husband."

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, April 14, 1899.

I RETURN HEREWITH, WITHOUT MY APPROVAL, Senate bill No. 43, entitled "An act to enlarge the competency of the wife to testify against her husband."

House bill No. 63, entitled "An act to enlarge the competency of the wife to testify against her husband," received my approval on the 11th day of April, and was formally messaged to the House of Representatives.

This bill, which has now become a law, is practically the same as Senate bill No. 43, and obviate any necessity for the approval of the latter bill. The only difference between House Bill No. 6, which has been approved, and Senate bill No. 43, which I herewith return is enlarging the right of the wife to testify in actions brought against third parties by the husband. This enlargement was originally in House bill No. 63, and it appears to have been stricken out on its passage. Its retention in Senate bill No. 43 was evidently an inadvertence, as it seems to be an enlargement of the right of the wife to testify, which is foreign to the purposes of the balance of the bill, while House bill No. 63, with that provision erased is, in my judgment, very proper legislation. The provision making the wife a competent witness in suits brought by the husband against third parties treads upon ground dangerous to that domestic tranquility that should exist in every home, and is sufficient to justify the withholding of executive approval.

WILLIAM A. STONE.

To the Senate Nominating H. A. Grip a Member of
the State Board of Agriculture.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, April 18, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, H. A. Grip, of Blair county, to be a member of the State Board of Agriculture, vice Samuel R. Downing, to serve until the fourth Wednesday in January, 1901.

WILLIAM A. STONE.

To the Senate Nominating E. A. Price, a Commissioner of Valley Forge.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, April 17, 1899.

Gentlemen:—

IN CONFORMITY WITH LAW, I HAVE THE honor hereby to nominate for the advice and consent of the Senate, E. A. Price of Media, Delaware county, to be a member of the Valley Forge Park Commission, to serve until June 8, 1903, vice Tatnall Paulding.

WILLIAM A. STONE.

Veto of an Act to Authorize the Election of Borough Supervisor, for the purpose of keeping Open and Repairing Said Streets and Crossings in all Boroughs of this Commonwealth.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., May 5, 1899.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 20, entitled "An act to authorize the election of borough supervisors, for the purpose of keeping open and repairing said streets and crossings in all boroughs of this Commonwealth."

The purpose of this bill is to enable the qualified electors of all boroughs within the limits of counties containing less than five hundred thousand inhabitants to elect, on the third Tuesday of February, one person as borough supervisor for a period of one year. This act is in conflict with the provisions of the act of May 25, A. D. 1897 (P. L. 89), which provides that the borough council shall have the right to appoint a street commissioner on the first Monday of March in each year. It was the intention of the act of 1897 to make the street commissioner subject to the supervision and control of the town council, and I can see no good reason why the policy of the law should be changed in this respect. The town council being primarily responsible for the condition of the streets, lanes and alleys in a borough, should, in my judgment, have the right to appoint the person who has the supervision of the work done on such streets, lanes and alleys.

Then again, the bill undertakes to make a classification of boroughs according to the population of the counties in which they are located. If a borough is located in a county having less than 500,000 population, the bill applies; but if the borough were located

in a county having more than 500,000 population, it does not apply. The classification herein intended to be established does not even depend upon the population of the borough, but is regulated by the population of the county in which the borough is located. I am not aware that such attempt at classification has been heretofore made, and am clearly of opinion that such a classification cannot be justified under the provisions of our Constitution. I therefore withhold my approval.

WILLIAM A. STONE.

Veto of an Act to Provide that the treasurers of the Several Counties, or City Coextensive with a County, of the Commonwealth shall transmit annually to the State Treasurer the one-fourth part only, or Such portion only as the Commonwealth is or may be legally entitled to retain, of the tax collected on property subject to taxation for State purposes.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., May 5, 1899.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 79, entitled "An act to provide that the treasurers of the several counties, or city coextensive with a county of the Commonwealth shall transmit annually to the State Treasurer the one-fourth part only, or such portion only as the Commonwealth is or may be legally entitled to retain, of the tax collected on property subject to taxation for State purposes."

It is the purpose of this act to permit the several counties to retain, and not pay into the Treasury at all, that portion of the State tax upon personal property to which they are entitled under the provisions of the 16th section of the act of June 8, A. D. 1891. This legislation is the result of a very general misconception of the nature of the tax imposed. It should not be forgotten that the tax in question is a State tax. It was originally imposed for the purpose of raising revenue in aid of the State government. The acts under which this tax is collected made the several counties the instrumentalities for the collection of the same. At first the counties were allowed a small amount for the expense incurred in making the assessment and collecting the tax. Afterwards this was increased from time to time, until in 1891 three-fourths of the tax was returned by the State to the counties. This was a gratuity on the part of the State and gave to the counties a portion of the tax to which they were not primarily entitled. Being a State tax, however, under our Constitution and laws it should be paid into the State Treasury, and cannot be paid out except on appropriations made by law. Section 16 of Article III of the Constitution provides that, "No money shall be paid out of the Treasury except upon appropriations made by law and on a warrant drawn by the proper officer in pursuance thereof." The plain intent of this Constitutional provision cannot be misunderstood. All public moneys belonging to the State must come into the custody of the treasurer, and it then becomes the duty of the Legislature to make appropriations of that money as it may deem proper, and, after the appropriations have been made according to law, it is necessary that warrants shall be drawn by the proper officers in favor of the person, institution or municipal corporation entitled to the same. This bill attempts to divert a large amount of State tax from

the custody of the State Treasurer, and permits county treasurers to retain moneys belonging to the State, without a warrant having been issued in favor of the county treasurer by the Auditor General, as required by the Constitution and laws of our Commonwealth. This is, it seems to me, in contravention of the Constitutional provision above referred to, and I, therefore withhold my approval.

WILLIAM A. STONE.

Veto of an Act to amend "An Act Prescribing the Mode of Fixing the Salaries of County Superintendents of Common Schools," increasing the Minimum Salaries to be Paid Said Superintendents.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., May 6, 1899.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, Senate bill No. 202, entitled "An act to amend an act, entitled 'An act to amend an act, entitled "An act prescribing the mode of fixing the salaries of county superintendents of common schools," approved the twenty-ninth day of April, Anno Domini one thousand eight hundred and seventy-eight, amending first section thereof by fixing minimum salaries to be paid said superintendents,' increasing the minimum salaries to be paid said superintendents."

This bill amends the act prescribing the mode of fixing the salaries of county superintendents of public schools, approved the 29th day of April, 1878, and prevents the school directors of the counties from fixing the salaries of the county superintendents at a less

sum than one thousand five hundred dollars per annum.

I am of the opinion that there is no reason for presuming that the school directors of any county are not capable of fixing the value of the services of the county superintendent. I can see no reason why an embargo should be placed upon them, preventing them from fixing it below a certain specific sum. They ought to be better acquainted with the services to be performed by the county superintendent, and better capable of fixing the salary, than the Legislature and the Governor. In my judgment there has been no such abuse of their prerogative in this particular as justifies me in approving a bill which is a reflection upon their intelligence or their fairness. I think the school directors of the several counties can be safely trusted to estimate the value of the services of the county superintendent and fix his salary without further interference by the Legislature, and I, therefore, withhold my approval.

WILLIAM A. STONE.

Veto of an Act Making an Appropriation to William District, a Cook in Company C, Fourteenth Regiment, National Guard of Pennsylvania, on account of Injuries Received While on Duty at Camp Hastings, in April, Anno Domini one thousand Eight Hundred and Ninety-eight.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., May 6, 1899.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 134, entitled "An act making an appropriation to William District, a cook in company

C. 14th regiment, National Guard of Pennsylvania, on account of injuries received while on duty at Camp Hastings in April, A. D. 1898," for the reasons set forth in the veto of Senate bill No. 300.

WILLIAM A. STONE.

Veto of an Act to Provide Compensation to Daniel B. Hughes, a Member of the National Guard of Pennsylvania, for loss of Work, Medical Attendance and Nursing, During the Time of his Disability, Produced by a Cold in the Head, Which he Contracted in the Service at Lattimer, Pennsylvania, in September, One Thousand Eight Hundred and Ninety-seven.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., May 6, 1899.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, Senate bill No. 300, entitled "An act to provide compensation to Daniel B. Hughes, a member of the National Guard of Pennsylvania, for loss of work, medical attendance and nursing during the time of his disability, produced by a cold in the head, which he contracted in the service at Lattimer, Pennsylvania, in September, one thousand eight hundred and ninety-seven."

I am opposed to the granting of pensions and gratuities by the State to persons in the military service by special bills. The United States Government makes ample provision for the granting of pensions to all persons injured or disabled in the service of the country. It is very easy for a great State like Pennsylvania to

gradually obtain an extensive pension list if the doors are opened by special legislation such as is provided in this bill. If pensions and gratuities are to be granted for persons injured in the National Guard it should be under a general law, with proper restrictions. Special laws should not find favor, and in our present financial condition I am compelled to withhold my approval of this bill.

WILLIAM A. STONE.

Veto of an Act Granting a Pension to Emma C. Shadel, the Widow of Sergeant Elmer E. Shadel, and Authorizing the State Treasurer to Place Her Name on the List of Pensioners, and Pay Said Pension to Her Quarterly.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., May 6, 1899.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 300, entitled "An act granting a pension to Emma C. Shadel, the widow of Sergeant Elmer E. Shadel, and authorizing the State Treasurer to place her name on the list of pensioners and pay said pension to her quarterly," for the reasons set forth in the veto of Senate bill No. 300.

WILLIAM A. STONE.

Veto an Act, Entitled "An Act Granting a Pension to Mary E. Givens, Widow of W. H. Givens."

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., May 6, 1899.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth House bill No. 301, entitled "An act, entitled 'An act granting a pension to Mary E. Givens, widow of W. H. Givens,' " for the reasons set forth in the veto of Senate bill No. 300.

WILLIAM A. STONE.

Veto an an Act Making an Appropriation to the Allentown Hospital Association.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., May 6, 1899.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 698, entitled "An act making an appropriation to the Allentown Hospital Association."

This bill makes an appropriation of five thousand dollars to the Allentown Hospital Association for the two fiscal years beginning June 1st, 1899, for the purpose of maintenance. The act of July 24, 1897 (P. L. 411) made an appropriation of five thousand dollars to this institution, which said sum has not been used, for the reason, as I am informed, that no hospital building has been provided by this Association, and it is therefore not in operation. The present bill contains a proviso that, if any part of the appropriation made in

1897 be drawn from the State Treasury, the appropriation made in the present bill shall not become available. It would thus appear that the association intended to be benefited by this appropriation has not succeeded in establishing a public hospital. At a time when it is necessary, by reason of the deficit in our Treasury, to reduce appropriations to worthy institutions already created, I deem it most unwise to make appropriations to institutions not yet in existence. I therefore withhold my approval.

WILLIAM A. STONE.

Veto an Act Making an Appropriation to the Master Builders' Mechanical Trade School of the City of Philadelphia.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., May 6, 1899.

I HEREWITH FILE IN THE OFFICE OF THE Secretary of the Commonwealth, with my objections thereto, House bill No. 753, entitled "An act making an appropriation to the Master Builders' Mechanical Trade School of the City of Philadelphia."

This bill appropriates the sum of seven thousand dollars to the Master Builders' Mechanical Trade School of the City of Philadelphia, for the two fiscal years beginning June 1st, A. D. 1899, for the purpose of maintenance. I have no doubt that the institution intended to be aided by this appropriation is engaged in a good work, and that the proposed appropriation would be wisely expended. If the financial condition of the State were such as to justify the setting apart of seven thousand dollars for the benefit of this institu-

tion, I would have no hesitancy in approving this bill. Unfortunately, however, for this and other worthy institutions, the revenues of the State are not sufficient to pay the current and necessary expenses of all branches of the State Government, support our penal, charitable and eleemosynary institutions, make the annual appropriations to the common and orphans' schools, to provide for the National Guard, and bestow our favors upon institutions as worthy even as the one named in this bill. The State, like an individual, must be just before it is generous. It is wrong for the State to undertake to give away more money than it receives, no matter how worthy the institution may be that is the beneficiary of the appropriation. I am, therefore, very reluctantly obliged to withhold executive approval from this bill.

WILLIAM A. STONE.

Veto of an Act to amend "An act Providing for the Regulation of the Manufacture and Sale of Distilled and Fermented Vinegars, Prescribing Their Standard, to Prevent the Adulteration of the Same, so as to Provide that Vinegar Made Wholly from Grapes, Apples or Other Fruits Shall not be Required to Contain an Acidity of Four Per Centum, or one and One-half Per Centum of Solids.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., May 6, 1899.

I FILE HEREWITH IN THE OFFICE OF THE Secretary of the Commonwealth, with my objections thereto, House bill No. 142, entitled "An act to amend the first and second sections of an act, entitled 'An act providing for the regulation of the manu-

facture and sale of distilled and fermented vinegars, prescribing their standard to prevent the adulteration of the same, providing for the enforcement thereof and punishment for the violation of the same,' approved the eighteenth day of June, Anno Domini one thousand eight hundred and ninety-seven, so as to provide that vinegar made wholly from grapes, apples or other fruits shall not be required to contain an acidity of four per centum or one and one-half per centum of solids."

The act of June 18th, A. D. 1897, provided for the regulation of the manufacture and sale of distilled and fermented vinegars. It enacted, among other things that no vinegar should be sold or exposed for sale as apple or cider vinegar which is not the legitimate product of pure apple juice, and that all such vinegar should contain an acidity of not less than four per centum and one and one half per centum of vinegar solids. The provisions of this act have been enforced throughout the State by the Dairy and Food Commissioner, with the result that a large amount of spurious and adulterated vinegar has been driven out of the market.

The purpose of this bill is to remove all standards of acidity and solids from cider vinegar. This would virtually destroy the present law, and would necessarily open our market to the flood of adulterated vinegars which found ready sale prior to the passage of the act of 1897. It is estimated that, before the present vinegar law was enforced, fully seventy-five per centum of the vinegar sold in the State as cider vinegar did not contain any apple juice whatever. The spurious vinegars were shipped in large quantities from Western states and cities and found ready sale in our markets. It was branded "Cider Vinegar" and sold as such to our citizens. The enforcement of our present vinegar law has largely broken up this imposition on our people, and it seems to me it would be unwise to take a backward step in this matter.

Before fixing the standards in the act of 1897 a large number of vinegar samples were selected from different parts of the State and analyzed for the purpose of fixing a minimum standard for solids and acidity that would be fair to all interests. I am informed that our standard for vinegar solids— one and one-half per centum—is lower than that of any other State, and that the standard of acidity— four per centum— is one half per cent. lower than that of New York and Massachusetts. It would thus appear that the standards fixed in the acts of 1897 are not too high for any person who manufactures vinegar to be sold in our markets. It seems to me that all manufacturers of vinegar, as well as farmers and consumers, should be alike interested in the prevention of fraud and deception in the manufacture and sale of so useful an article as vinegar. I therefore withhold my approval.

WILLIAM A. STONE.

Veto of an Act Making an Appropriation to William F. Powell, Second Lieutenant of Company I, Ninth Regiment, National Guard of Pennsylvania, on Account of Accident and Disability Contracted at Hazleton, Luzerne County, Pennsylvania, in the Riots of one Thousand Eight Hundred and Ninety seven.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., May 6, 1899.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 777, entitled "An act making an appropriation to William F. Powell, second lieutenant of company I, Ninth regiment, National Guard of Pennsylvania, on account of accident and disability contracted at Hazleton, Luzerne county, Pennsylvania,

in the riots of one thousand eight hundred and ninety-seven," for the reasons set forth in the veto of Senate bill No. 300.

WILLIAM A. STONE.

Veto of an Act Making an Appropriation to Charles N. Robinson, a Seaman in Division A, First Naval Battalion, Naval Force of the State of Pennsylvania, on account of Injuries Received while on duty on United States Ship San Francisco.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., May 6, 1899.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 783, entitled "An act making an appropriation to Charles H. Robinson, a seaman in Division A, First Naval Battalion Naval Force of the State of Pennsylvania, on account of injuries received while on duty on United States Ship San Francisco, in August, A. D. 1893," for the reasons set forth in the veto of Senate bill No. 300.

WILLIAM A. STONE.

Veto of an Act to Amend "An act Authorizing the State Treasurer to Refund Collateral Inheritance Tax Heretofore Paid or That may Hereafter be Paid in error," Providing that the Limitation of Time Within Which Such Applications May be Made Shall Not Apply to Certain Cases.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., May 6, 1899.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, Senate bill No. 128, entitled "An act ~~to~~ amend an act, entitled 'An act authorizing the State Treasurer to refund collateral inheritance tax heretofore paid or that may hereafter be paid in error,' passed the twelfth day of June, Anno Domini one thousand eight hundred and seventy-eight, providing that the limitation of time within which such application may be made shall not apply to certain cases.'"

This act amends the act of June 12, 1878, by adding as a proviso that the limitation within which such application should be made for refunding the collateral inheritance tax shall not apply where the estate upon which the collateral inheritance has been erroneously paid shall consist either in whole or in part of a partnership or other uncertain interest, the value of which by reason of litigation or other cause may not have been ascertained within two years after such payment.

This bill removes the limitation entirely and directs the Treasurer to refund the collateral inheritance tax where the estate consists either in whole or in part of a partnership, or other uncertain interest without regard to the length of time intervening between the collection of the tax and its repayment. It is probably true that a reasonable extension of the two years limit should be made in estates consisting either in whole

or in part of a partnership where its value could not be ascertained owing to litigation, but the limitation which applies to all other estates should not be entirely removed in these cases. This would direct the Treasurer to refund collateral inheritance tax fifty years after it has been paid, and while in my judgment the State should not retain any money to which it is not entitled, yet the same reason for a limitation should apply to the State as well as individuals where such time has elapsed as affords a reasonable presumption that there are no claimants. I cannot consent that there shall be no limitation whatever in refunding this tax even in cases where the estate consists in whole or in part of a partnership, the settlement of which has been delayed by litigation, and therefore withhold my approval of this bill.

WILLIAM A. STONE.

Veto of a Further Supplement to the Act, Entitled
“An Act to Prescribe the Manner in which the
Courts May Divide Boroughs into Wards,” Ap-
proved May Fourteen, one thousand Eight Hun-
dred and Seventy-four, Providing for the Electing
and Commissioning of Separate Justices of the
Peace in and for Each of the wards into which Bor-
oughs, Located within the limits of Counties Con-
taining not less than one Hundred and Fifty Thou-
sand Inhabitants, may be Divided.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., May 6, 1899.

I HEREWITH FILE IN THE OFFICE OF THE
Secretary of the Commonwealth, with my objec-
tion thereto, Senate bill No. 32, entitled “A
further supplement to the act, entitled ‘An act to pre-

scribe the manner in which the courts may divide boroughs into wards,' approved May fourteen, one thousand eight hundred and seventy-four, providing for the electing and commissioning of separate justices of the peace in and for each of the wards into which boroughs located within the limits of counties containing not less than one hundred and fifty thousand inhabitants may be divided."

The purpose of the legislation proposed in this bill is to provide for the election of one justice of the peace in each and every ward of a borough, located in a county containing not less than one hundred and fifty thousand inhabitants, and divided into wards under the provisions of the act of May 14, A. D. 1874 (P. L. 159).

Under the provisions of the Constitution and the several acts of Assembly relating to the question of the election of justices of the peace, as construed by the courts, it is now settled that boroughs are entitled to elect only two justices of the peace by the concurrent vote of the electors in all the wards. This has been a vexed question and has resulted in much litigation in our courts. Now that it has been finally determined, as above stated, I deem it unwise to open the question anew.

Then, again, an attempt is made to classify the boroughs, to which the provisions of this bill apply, by the population of the counties in which boroughs may be located. Boroughs located in counties of less than one hundred and fifty thousand inhabitants would elect only two justices of the peace, while boroughs divided into wards, in counties containing more than one hundred and fifty thousand population, would be entitled to one justice of the peace for each ward. The operation of this law would produce somewhat peculiar results. For instance, a borough containing a population of ten thousand, but located in a county having less than one hundred and fifty thousand popu-

lation, would be entitled to elect only two justices, while a borough, having but five thousand people and divided into four wards, but located in a county having a population of more than one hundred and fifty thousand, would be entitled to elect four justices of the peace. It is clearly apparent that such a classification would not work equitable results. Such a classification does not come within either the letter or spirit of the Constitution, in my judgment. I may add that I doubt very much the wisdom of multiplying offices of this character in the several boroughs of the Commonwealth. I am, therefore, constrained to withhold executive approval from this bill.

WILLIAM A. STONE.

Veto of an Act Relating to and Fixing the Compensation and Fees of the Treasurer of Northampton County, and Repealing Section Forty-one of the Act of One Thousand Eight Hundred and Thirty-four, so far as it Relates to said County of Northampton.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., May 8, 1899.

I HEREWITH FILE; IN THE OFFICE OF THE Secretary of the Commonwealth, with my objections thereto, House bill No. 585, entitled "An act relating to and fixing the compensation and fees of the treasurer of Northampton county, and repealing section forty-one of the act of one thousand eight hundred and thirty-four, so far as it relates to said county of Northampton."

This bill undertakes to fix the salary to be received

by the treasurer of the county of Northampton at a stated sum annually, and in addition, repeals some local laws applicable to said county. The provisions of the bill are intended to fix the compensation of the treasurer of a single county in the Commonwealth. It is, therefore, local legislation, and, if it regulates the affairs of that county, within the meaning of the Constitution, it is prohibited by Section 7 of Article III. The case of *Morrison v. Bachert*, 112 P. S., 322, decides that an act to ascertain and appoint the fees to be received by prothonotaries and other county officers is an act regulating the affairs of counties. In my judgment this bill comes within the ban of the constitutional provisions above referred to, and I therefore withhold my approval.

WILLIAM A. STONE

Veto of an Act to Amend "An act to Provide for the Licensing of Buildings and Other Places in which Theatrical, Operatic or Circus Performances are Held and menageries, or Museums are Exhibited, and Fixing the Price to be paid for Said Licenses," Exempting Buildings used for Such Purposes in Boroughs and Townships Having a Population of Less Than one thousand Five Hundred People.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., May 8, 1899.

I FILE HEREWITH, IN THE OFFICE OF THE Secretary of the Commonwealth, with my objections thereto, House bill No. 109, entitled "An act to amend the first section of an act, entitled 'An act to provide for the licensing of buildings and other places

in which theatrical, operatic or circus performances are held and menageries or museums are exhibited, and fixing the price to be paid for said licenses,' approved the twenty-fourth day of June, Anno Domini one thousand eight hundred and ninety-five, exempting buildings used for such purposes in boroughs and townships having a population of less than one thousand five hundred people.

It is the intention of this bill to amend the first section of the act of June 24, A. D. 1895, which provides for the licensing of buildings in which theatrical, operatic or circus performances are held, by exempting buildings used for such purposes in boroughs and townships having a population of less than one thousand five hundred people. The act of 1895 provided an annual license tax upon buildings of the character hereinbefore designated, and, for the purpose of providing an equitable system of imposing the tax, required a license of five hundred dollars in cities of the first class, four hundred dollars in cities of the second class, seventy-five dollars in cities of the third class, and thirty dollars in all boroughs and townships. This bill proposes to exempt buildings of this character from the payment of license taxes in all boroughs and townships having a population of less than one thousand eight hundred.

There are at least four serious objections to this bill:

1. The title provides for an exemption of buildings, used for the purposes designated in the act, in boroughs and townships having a population of less than one thousand five hundred persons, while the first section provides that the exemption shall apply to buildings in boroughs and townships having a population of less than one thousand eight hundred people. The Constitution requires a title to fairly give notice of the subject matter of a bill, and it is very doubtful whether a title, which designates all boroughs and townships

having a population of less than one thousand five hundred people, gives proper notice of the enacting clause which extends the benefit of the act to boroughs and townships having a population of less than one thousand eight hundred people.

2. The framers of the new Constitution intended by Section 1 of Article IX, to establish the rule that all taxes shall be uniform within the territorial limits of the authority levying the tax, and provided what property could be exempted from the operation of tax laws. Section 2 of the same article provides that all laws exempting property from taxation, other than the property enumerated in Section 1, shall be void. Theatrical buildings are not within the exempted classes mentioned in Section 1 of the article above referred to, and it is therefore doubtful whether such an exemption can be sustained under these constitutional provisions.

3. An attempt is made to classify boroughs and townships by population; that is to say, all boroughs and townships having a population of more than one thousand five hundred, as provided in the title, or one thousand eight hundred, as specified in the first section of the bill, shall be subject to the payment of the license tax, while boroughs and townships having a less population shall be exempt from the provisions of the proposed law. The Constitutional right as well as the propriety of such legislation is very doubtful.

4. I can see no sufficient reason for reducing the license tax on buildings of this character below the amount specified in the act of 1895, which the present bill is intended to amend. All such laws should be uniform throughout the entire State in the classification recognized by the Constitution and laws.

For these and other reasons that might be specified, I withhold my approval from this bill.

WILLIAM A. STONE.

Veto of an Act Repealing "An Act Providing for the Collection of the Amounts Due the Commonwealth for the Purchase Money, interest and fees due on Unpatented Lands."

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., May 8, 1899.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, Senate bill No. 41, entitled "An act repealing the act 'Providing for the collection of the amounts due the Commonwealth for the purchase money, interest and fees due on unpatented lands,' approved May twenty-sixth, one thousand eight hundred and ninety-seven."

Having already approved Senate bill No. 11, entitled "An act relating to the liens of the Commonwealth against unpatented lands, providing for their adjustment, and for the granting of patents," which provides a method for the settlement of claims due the Commonwealth for the purchase money, interest and fees due on unpatented lands, in connection with the acts of May 20, A. D. 1864, and May 26, A. D. 1897, it is unnecessary to approve the present bill. The provisions of Senate bill No. 11 will remedy the evils sought to be cured by the repeal of the act of 1897, and I therefore withhold my approval.

WILLIAM A. STONE.

Veto of an Act Providing for the Transfer of Judgments and Mortgages by the Holder Thereof, at Maturity, Upon the Request of the Debtor.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., May 8, 1899.

I HEREWITH FILE, IN THE OFFICE OF THE Secretary of the Commonwealth, with my objections, thereto, Senate bill No. 107, entitled "An act providing for the transfer of judgments and mortgages by the holder thereof at maturity upon the request of the debtor."

If this bill should become a law it would establish a new relationship between debtors and creditors. It would require a creditor to transfer his mortgage or judgment to whomsoever the debtor might designate upon a tender of the amount of the debt, interest and costs secured by the mortgage or judgment. It is a very serious question whether such a law does not violate that provision of the bill of rights which provides that no law shall be passed impairing the obligation of contracts. The holder of a mortgage or judgment has a contract with the maker thereof that is written into the obligation. The debtor always has it within his power to compel the cancellation of the obligation by paying the obligation, debt, interest and costs. This bill goes a step further than any law that has been enacted up to this time, and would seem to require the holder of a mortgage or judgment to perform an act not specified in his contract and not now required by any law. The propriety of such legislation is very doubtful and the right to enact it under our Constitution problematical. I do not see that any useful purpose would be served by the enactment of this law and am not impressed with the wisdom of its provisions. I therefore withhold my approval.

WILLIAM A. STONE,

Veto of an Act to Recognize the Service of Colonel
William Bender Wilson to the Commonwealth
During the Civil War.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., May 9, 1899.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 168, entitled "An act to recognize the service of Colonel William Bender Wilson to the Commonwealth during the Civil War."

This act seeks to confer upon William Bender Wilson the rank of Colonel in the volunteer forces of the State during a period of the war for the suppression of the Rebellion, and provides further for the furnishing of a gold medal to the said William Bender Wilson commemorative of the services he rendered "as a telegraph operator and scout during the raids and invasions of one thousand eight hundred and sixty-two, one thousand eight hundred and sixty-three, and one thousand eight hundred and sixty-four."

While the Executive is thoroughly appreciative of the valuable services rendered by William Bender Wilson and is entirely willing that they be recognized in some appropriate and fitting manner, he however, is of the opinion that it should be done by the granting of a certificate of honor, setting forth the character of service rendered, and providing by appropriate legislation for the issuance of a similar certificate to those who rendered equally valuable and distinguished service, should they so desire it. It cannot have been the intention of the General Assembly to at this time confer the rank of Colonel in the volunteer forces of the State during the Civil War upon a person who was never mustered into the service, and to give him equal rank and honor with officers who served in command

of regiments in the United States service during the entire period of the War. It would establish a most unwise and dangerous precedent, and detract from the force and honor of commission issued during the War, the holders of which were duly mustered into the service of the United States; and the Executive is, therefore, compelled very reluctantly to disapprove, and respectfully suggests that the honorable recognition to which William Bender Wilson, and others who rendered valuable service, is entitled, be provided for by proper legislation in the future.

WILLIAM A. STONE.

Veto of an Act to make county, city, school, borough, road, poor and township taxes a lien on real estate, and to give such lien or liens priority for the period of two years from the time such taxes are levied, in the order named, over any tax, lien, recognizance, mortgage, judgment, obligation or responsibility, except the interests of the widow and heirs charged on real estate under proceedings in the orphans' court, but no longer unless the same be entered of record in the prothonotary's office of the proper county in which such real estate is situate, in appropriate tax lien docket or dockets, in alphabetical order, against the several persons, firms or corporations against whom the same may be levied or assessed, and making such entry notice to all persons, and providing that such liens shall not be hereafter entered upon the general judgment index; providing the manner of continuing and enforcing such liens, and designating the fees of the prothonotary in connection therewith; providing when such liens shall be discharged by a judicial sale of the real estate so encumbered, and imposing duties upon sheriffs, tax collectors, county commissioners, county, city, school, borough, road, poor, and township officials and other persons, in the collection of said taxes.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., May 9, 1899.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, Senate bill No. 20, entitled "An act to make county, city, school, borough, road, poor and township taxes a lien on real estate, and to give such lien or liens priority for the period of two years from the time such taxes are levied, in the order named, over any tax lien, recognizance, mortgage, judgment, obligation or re-

sponsibility, except the interest of the widow and heirs charged on real estate under proceedings in the orphans' court, but no longer unless the same be entered of record in the prothonotary's office of the proper county in which such real estate is situate, in appropriate tax lien docket or dockets in alphabetical order, against the several persons, firms or corporations against whom the same may be levied or assessed, and making such entry notice to all persons, and providing that such liens shall not be hereafter entered upon the general judgment index; providing the manner of continuing and enforcing such liens, and designating the fees of the prothonotary in connection therewith; providing when such liens shall be discharged by a judicial sale of the real estate so encumbered, and imposing duties upon sheriffs, tax collectors, county commissioners, county, city, school, borough, road, poor and township officials and other persons, in the collection of said taxes."

This bill makes a sweeping change in our present lien laws, and gives priority to county, city, school, borough, road, poor and township taxes over mortgages, judgments, obligations and liens of all kinds. It invades the sanctity of the first mortgage in Pennsylvania and destroys to a certain extent the value of real estate security. Should this bill become a law it would result in placing a first mortgage at a disadvantage, and largely decrease the powers of real estate owners to borrow money on real estate, and increase the rate of interest on the same. It makes what are now regarded in Pennsylvania to be the best securities, namely, first mortgages, secondary to other securities.

The experience in collecting county, city, school, borough, road, poor and township taxes in Pennsylvania is not such as to justify such a radical change in our lien laws as this bill makes. I believe it would work

much greater injury in the depreciation of real estate values to individual owners than it could work good to municipalities. I am opposed to frequent and radical changes in general laws that affect the whole people, unless under circumstances of great necessity. In my judgment there is no such necessity as warrants my concurrence in this bill, and I, therefore, withhold my approval.

WILLIAM A. STONE.

Veto of an Act to Make Active or Visiting Committees of Societies Incorporated for the Purpose of Visiting and Instructing Prisoners, Official Visitors of Penal and Reformatory Institutions.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., May 9, 1899.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, Senate bill No. 1, entitled "An act to make active or visiting committees of societies incorporated for the purpose of visiting and instructing prisoners, official visitors of penal and reformatory institutions."

This bill makes active and visiting committees of any society heretofore incorporated and now existing in this Commonwealth official visitors to prisoners confined in penal and reformatory institutions.

The wardens of the penal institutions of the State are opposed to this bill becoming a law. They fear that it will interfere with the discipline of their institutions. The prison boards are opposed to it, and they with their wardens enter their protest with me against it. I hesitate to approve a bill which is opposed by

men charged with the responsibility of prison discipline, and whose judgment is relied upon as a guide in matters of this kind. They are men of long years of experience. My experience and knowledge of such matters do not warrant me in an action which their judgment condemns. This is not a question of religious visitation or of religious consolation to the inmates of penal institutions. All prisoners confined in the penal institutions of the State may be visited by ministers of their denomination, who may extend religious consolation to them. There is no bar against any denomination or the ministers of any creed.

This bill authorizes societies heretofore incorporated and now existing in this Commonwealth to visit prisoners for the purpose of instructing them. The experience of prison officials and those dealing with prisoners is that non-interference by outside parties is better for the reformation of the prisoners.

I cannot, therefore, in view of the opposition to this bill by those charged with the responsibility by position and by experience, give it my approval.

WILLIAM A. STONE.

Veto of an act to provide for the Entering of Liens for the Better Securing the Pay of Mechanics, Laborers and Material Men, for Work and Labor Done and for Material Furnished About the Erection of any New Buildings, and for the Repairs and Alterations of Those Already Built and to be Built.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., May 11, 1899.

I HEREWITH FILE, IN THE OFFICE OF THE Secretary of the Commonwealth, with my objections thereto, Senate bill No. 306, entitled "An act to provide for the entering of liens for the better securing the pay of mechanics, laborers and material men, for work and labor done and for material furnished about the erection of any new buildings, and for the repairs and alterations of those already built and to be built.

This bill is intended to cover the whole subject of mechanics' liens. It makes radical and sweeping changes in the present law on this subject. It was passed during the last days of the legislative session without much, if any, public discussion thereon. I very much doubt the wisdom of enacting a new law on this important subject without more mature deliberation on the part of the many interest concerned. None of our statutes affect more varied interests than a mechanic's lien law, and changes, in my judgment, should not be made without very careful consideration. I am not prepared at this time to give my approval to the present bill. Our mechanic's lien law needs amendment perhaps, and I have no doubt that at the next session of the Legislature the whole subject can be considered fully and in a way to give very general satisfaction to our entire people.

WILLIAM A. STONE.

Veto of an Act to Amend "An Act for the Greater Certainty of Title and More Secure Enjoyments of Real Estate," wherein it Relates to Implied and Resulting Trusts in Favor of Married Women.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., May 11, 1899.

I FILE HEREWITH, IN THE OFFICE OF THE Secretary of the Commonwealth, with my objections thereto, Senate bill No. 46, entitled "An act to amend the sixth section of an act, entitled 'An act for the greater certainty of title and more secure enjoyments of real estate,' approved twenty-second April, one thousand eight hundred and fifty-six, wherein it relates to implied and resulting trusts in favor of married women."

This bill is intended to amend Section 6 of the act of April 22d, A. D. 1856, wherein it relates to implied and resulting trusts in favor of married women. The act in question is well understood and has received the sanction of the legal profession for upwards of fifty years, and I very much doubt the propriety of modifying it as suggested in this bill. It is not entirely clear what this measure is intended to remedy. The second proviso would seem to make its provisions retroactive, and its purpose is to change the status of cases existing prior to its passage. Retroactive legislation should always receive careful scrutiny, and when intended to interfere with vested rights should not be approved unless in the interests of the general public. This bill has all the ear-marks of a general law, but drawn to cover a particular case. Such legislation is not viewed with favor. I therefore withhold my approval.

WILLIAM A. STONE.

Veto of an Act Empowering Cities to Grade, Pave, Curb, Macadamize and Otherwise Improve Public Streets and Alleys, or Parts Thereof, Without Petition of Property Owners, and Providing for the collection of the Costs, Damages and Expenses Thereof, and the Appointment of Viewers Thereon, and the Proceedings of Said Viewers and Their Compensation.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, May 11, 1899.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, Senate bill No. 56, entitled "An act empowering cities to grade, pave, curb, macadamize and otherwise improve public streets and alleys, or parts thereof, without petition of property owners, and providing for the collection of the costs, damages and expenses thereof, and the appointment of viewers thereon, and the proceedings of said viewers and their compensation."

The approval if this bill is made unnecessary by a decision of the Supreme Court, very recently rendered, in which the Constitutionality of the act of May 22, 1895, is sustained.

This bill was prepared by the solicitors of Pittsburgh and Allegheny while a case in the Supreme Court was pending, and before a decision has been reached, with a view of a possible adverse decision, and they now desire me to disapprove it for the reason that, under the decision of the Supreme Court referred to sustaining the act of May 22d, 1895, which is similar in nearly all respects to the bill now before me, the approval of the bill is not required, and I therefore withhold my approval from said bill.

WILLIAM A. STONE.

Veto of an act Supplementary to "An Act to Authorize Incorporated Companies to Invest and Reinvest Surplus Funds in Mortgages, Stocks and Other Securities, and Fixing the Time for Holding Elections for Directors."

Commonwealth of Pennsylvania,
Exécutive Department,
Harrisburg, Pa., May 12, 1899.

I FILE HEREWITH, IN THE OFFICE OF THE Secretary of the Commonwealth, with my objections thereto, Senate bill No. 181, entitled "An act supplementary to an act, entitled 'An act to authorize incorporated companies to invest and reinvest surplus funds in mortgages, stocks and other securities,' approved March thirty-first, one thousand eight hundred and sixty-eight."

This bill, as originally introduced, and as the title clearly indicates, was intended only as an amendment to the act of March 31st, A. D. 1868, which authorized incorporated companies to invest and reinvest surplus funds in mortgages, stocks and other securities, under certain limitations and restrictions therein set forth. The act of 1868 did not apply to banks and banking institutions, and it evidently was not the intention of the authors of this bill to have the proposed law apply to banking institutions, but on its passage through the Legislature it was amended so as to include all banks and banking companies incorporated under the laws of this Commonwealth.

So radical a change in our banking laws should not be made without the fullest discussion. Our State has always been conservative in laws regulating the control of banks, and has, up to this time, refused to permit such institutions to buy and sell stocks, bonds and other doubtful securities for purposes of speculation or investment. If this bill should become a law it would

open wide the doors of all banking institutions in making investments in securities of almost every character. I am convinced that this radical change in the law relating to banks is meritorious or that it is in the interest of the people of the State who are depositors in banking institutions. The title to the act does not give any notice of the fact that it is intended to apply to banking institutions, and for this reason it is my opinion that the title does not give proper notice of the subject matter of the bill. Several other objections have been and can be urged against the proposed legislation, and I therefore withhold my approval.

WILLIAM A. STONE.

Veto of an Act to Provide for an Additional Law Judge of the Several Courts of the Sixth Judicial District.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, May 13, 1899.

I FILE HEREWITH, WITHOUT MY APPROVAL, in the office of the Secretary of the Commonwealth, House bill No. 468, entitled "An act to provide for an additional law judge of the several courts of the Sixth Judicial District."

The only question for me to consider in this matter is whether an additional law judge in the county of Erie is necessary for the proper dispatch of the legal business of the courts. A number of the leading lawyers of that county have, in writing, stated that in their judgment an additional law judge in Erie county

is unnecessary. The commissioners of the county and other county officials have also informed me that they regard it unnecessary.

In the face of this opinion of so respectable a number of the attorneys of that county and some of the county officials, I cannot give my approval to the bill. The fact that the question of the necessity of an additional judge is disputed by so considerable a number of the reputable citizens of Erie county who, from their positions in the county are qualified to advise upon this question, is sufficient justification for me to withhold my approval.

Under the law pertaining to judges of the courts of common pleas of the different counties of the State, a judge of any county may call to his assistance the judge of any other county in the State when the business before his court demands it. This practice is frequently resorted to by the judges in the State, and there is no difficulty in finding other judges who are not so pressed with business in their counties as to interfere with their assisting a neighboring judge.

Recognizing the growing population in Erie county, and the apparent demand for an additional judge, I am not yet fully persuaded that the time has arrived when necessity demands an additional judge, and, therefore, withhold my approval from said bill.

WILLIAM A. STONE.

Veto of an Act to Amend "An Act to Provide for the Incorporation and Regulation of Certain Corporations," so as to Authorize the Formation of Corporations for any Lawful Purpose not otherwise Specifically Provided for by Act of Assembly.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, May 15, 1899.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 389, entitled "An act to amend the eighteenth paragraph of section second of an act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved the 29th of April, A. D. 1874, so as to authorize the formation of corporations for any lawful purpose not otherwise specifically provided for by act of Assembly."

The bill is wholly unobjectionable, and its passage desired for the reason that it would undoubtedly increase the revenue of the State to some extent. It authorizes the chartering of corporations for any legitimate purpose and removes the obstacles to the organization of business associations. I would gladly approve this bill were it not for the circumstances attending its passage. As the bill passed the Legislature it excluded the formation of corporations for the distilling or manufacture of intoxicating liquors. After the bill had passed the Legislature, some one changed the word "excluding" to the word "including," and it came to me in that form. To approve this bill would simply be to approve a bill which never passed the Legislature, and my attention having been called to it, and such investigation as I have been able to make leading me to believe that the charge is true, I withhold my approval.

WILLIAM A. STONE.

Veto of Part of an Act Making an Appropriation to the Trustees of the State Hospital for Injured Persons of the Anthracite Coal Region of Pennsylvania at Fountain Springs, near Ashland, Schuylkill County.

MAY 12TH, 1899.—THIS BILL IS APPROVED for the sum of \$84,750. I withhold my approval from the sum of \$6,000 of the item which provides for the erection and completion of a ward for men burned by mine explosions and for completely furnishing the same, and also withhold my approval from the sum of \$2,000 of the item which provides for maintenance.

This action is necessary owing to the present condition of the Treasury and the estimated revenue for the next two years.

WILLIAM A. STONE.

Veto of Part of an Act Making an Appropriation to the Pennsylvania Soldiers' and Sailors' Home at Erie.

MAY 12TH, 1899.—THIS BILL APPROPRIATES \$175,000 for the two fiscal years and is the same as was appropriated by the Legislature of 1897 to this Home.

The Soldiers' and Sailors' Home at Erie receives certain funds from the United States Government which enables it to exist without using the whole of this appropriation. During the past two years the institution has used only \$100,000 of this appropriation. In conferring with members of the Board having charge of the Home at Erie, I have reached the conclusion that

this appropriation may be safely reduced to \$100,000, and an agreement to that effect has been filed in the office of the State Treasurer.

I, therefore, approve this bill for the sum of \$100,000 only, and disapprove of it for the sum of \$75,000, in accordance with the release filed in the office of the State Treasurer.

WILLIAM A. STONE.

Veto of Part of an Act to Establish an Emergency Fund to be Used, as occasion May Require, in the Suppression of Epidemics, Prevention of Disease, and Protection of Human Life in Times of Disease and Disaster.

MAY 12TH, 1899.—THIS BILL IS APPROVED for \$25,000. I withhold my approval from \$25,000 for the reason that in the past two years not one-half of the amount aforesaid was used and I can see no reason why, during the next two years, it will be necessary to use more than half of this appropriation. This reduction has been agreed to by paper duly executed and filed by the Governor, the Auditor General and the State Treasurer, who constitute the Emergency Board, and I, therefore, withhold my approval of the sum of \$25,000, as per said release filed in the office of the State Treasurer.

WILLIAM A. STONE.

Veto of Part of an Act Making an Appropriation to the Trustees of the Cottage State Hospital for Injured Persons of the Bituminous and Semi-Bituminous Coal Regions of Pennsylvania, Located at Philipsburg, Centre County.

MAY 12TH, 1899.—THIS BILL IS APPROVED for the sum of \$12,000. I withhold my approval from the sum of \$2,000, which is the amount the trustees of said hospital have agreed should abate and be turned into the State Treasury, as per agreement filed in the office of the State Treasurer.

This action is necessary, owing to the present condition of the Treasury and the estimated revenue for the next two years.

WILLIAM A. STONE.

Veto of Part of an Act Making an appropriation to the Hospital of the University of Pennsylvania.

MAY 12TH, 1899.—THIS BILL IS APPROVED for the sum of \$50,000. I withhold my approval from the sum of \$25,000, which is the amount the trustees of said hospital have agreed should abate and be turned into the State Treasury, as per agreement filed in the office of the State Treasurer.

This action is necessary, owing to the present condition of the Treasury and the estimated revenue for the next two years.

WILLIAM A. STONE.

Veto of Part of an Act Making an Appropriation to the Corry Hospital Association of Corry, Erie County.

MAY 12TH, 1899.—THIS BILL IS APPROVED for the sum of \$4,000. I withhold my approval from the sum of \$2,000, which is the amount the trustees of said hospital have agreed should abate and be turned into the State Treasury, as per agreement filed in the office of the State Treasurer.

This action is necessary owing to the present condition of the Treasury and the estimated revenue for the next two years.

WILLIAM A. STONE.

Veto of Part of an Act Making an Appropriation to the Philadelphia Home for Incurables.

MAY 12TH, 1899.—THIS BILL IS APPROVED for the sum of \$10,000. I withhold my approval from the sum of \$5,000, which is the amount the trustees of said institution have agreed should abate and be turned into the State Treasury, as per agreement filed in the office of the State Treasurer.

This action is necessary, owing to the present condition of the Treasury and the estimated revenue for the next two years.

WILLIAM A. STONE.

Veto of Part of an Act Making an Appropriation to the Medical and Surgical Department of the Western Pennsylvania Hospital at Pittsburgh.

MAY 12TH, 1899.—THIS BILL IS APPROVED for the sum of \$78,000. I withhold my approval from the sum of \$12,000, which is the amount the trustees of said hospital have agreed should abate

and be turned into the State Treasury, as per agreement filed in the office of the State Treasurer.

This action is necessary, owing to the present condition of the Treasury and the estimated revenue for the next two years.

WILLIAM A. STONE.

Veto of Part of an Act Making an Appropriation to the McKeesport Hospital.

MAY 12TH, 1899.—THIS BILL IS APPROVED for the sum of \$12,000. I withhold my approval from the sum of \$3,000, which is the amount the trustees of said hospital have agreed should abate and be turned into the State Treasury, as per agreement filed in the office of the State Treasurer.

This action is necessary, owing to the present condition of the Treasury and the estimated revenue for the next two years.

WILLIAM A. STONE.

Veto of Part of an Act Making an Appropriation to the Medical Department of the Hahnemann Medical College and Hospital of Philadelphia.

MAY 12TH, 1899.—THIS BILL IS APPROVED for the sum of \$45,000. I withhold my approval from the sum of \$5,000, which is the amount the trustees of said institution have agreed should abate and be turned into the State Treasury, as per agreement filed in the office of the State Treasurer.

This action is necessary, owing to the present condition of the Treasury and the estimated revenue for the next two years.

WILLIAM A. STONE.

Veto of Part of an Act Making an Appropriation to the Homeopathic Medical and Surgical Hospital and Dispensary of Pittsburgh.

MAY 12TH, 1899.—THIS BILL IS APPROVED for the sum of \$45,000. I withhold my approval from the sum of \$5,000, which is the amount the trustees of said hospital have agreed should abate and be turned into the State Treasury, as per agreement filed in the office of the State Treasurer.

This action is necessary, owing to the present condition of the Treasury and the estimated revenue for the next two years.

WILLIAM A. STONE.

Veto of Part of an Act Making an Appropriation to the German Hospital of Philadelphia.

MAY 12TH, 1899.—THIS BILL IS APPROVED for the sum of \$15,000. I withhold my approval from the sum of \$5,000, which is the amount the trustees of said hospital have agreed should abate and be turned into the State Treasury, as per agreement filed in the office of the State Treasurer.

This action is necessary, owing to the present condition of the Treasury and the estimated revenue for the next two years.

WILLIAM A. STONE.

Veto of Part of an Act Making an Appropriation to the Allegheny General Hospital, Allegheny City.

MAY 12TH, 1899.—THIS BILL IS APPROVED for the sum of \$35,000. I withhold my approval from the sum of \$5,000, which is the amount the trustees of said hospital have agreed should abate and be turned into the State Treasury, as per agreement filed in the office of the State Treasurer.

This action is necessary, owing to the present condition of the Treasury and the estimated revenue for the next two years.

WILLIAM A. STONE.

Veto of Part of an Act Making an Appropriation to the Pottsville Hospital, of Pottsville, Schuylkill County.

MAY 12TH, 1899.—THIS BILL IS APPROVED for the sum of \$15,000. I withhold my approval from the sum of \$5,000, which is the amount the trustees of said hospital have agreed should abate and be turned into the State Treasury, as per agreement filed in the office of the State Treasurer.

This action is necessary, owing to the present condition of the Treasury and the estimated revenue for the next two years.

WILLIAM A. STONE.

Veto of Part of an Act Making an Appropriation to the Hospital Department of the Philadelphia Polyclinic and College for Graduates in Medicine.

MAY 12TH, 1899.—THIS BILL IS APPROVED for the sum of \$20,000. I withhold my approval from the sum of \$5,000, which is the amount the trustees of said hospital have agreed should abate and be turned into the State Treasury, as per agreement filed in the office of the State Treasurer.

This action is necessary, owing to the present condition of the Treasury and the estimated revenue for the next two years.

WILLIAM A. STONE.

Veto of Part of an Act Making an Appropriation to Saint Luke's Hospital, of South Bethlehem.

MAY 12TH, 1899.—THIS BILL IS APPROVED for the sum of \$20,000. I withhold my approval from the sum of \$2,000, which is the amount the trustees of said hospital have agreed should abate and be turned into the State Treasury, as per agreement filed in the office of the State Treasurer.

This action is necessary, owing to the present condition of the Treasury and the estimated revenue for the next two years.

WILLIAM A. STONE.

Veto of Part of an Act Making an Appropriation to the Hospital Department of the Jefferson Medical College, of Philadelphia.

MAY 12TH, 1899.—THIS BILL IS APPROVED for the sum of \$50,000. I withhold my approval from the sum of \$25,000, which is the amount the trustees of said hospital have agreed should abate and be turned into the State Treasury, as per agreement filed in the office of the State Treasurer.

This action is necessary, owing to the present condition of the Treasury and the estimated revenue for the next two years.

WILLIAM A. STONE.

Veto of Part of an Act Making an Appropriation to the Christian H. Buhl Hospital, of the Borough of Sharon.

MAY 12TH, 1899.—THIS BILL IS APPROVED for the sum of \$7,000. I withhold my approval from the sum of \$2,000, which is the amount the trustees of said hospital have agreed should abate and be turned into the State Treasury, as per agreement filed in the office of the State Treasurer.

This action is necessary, owing to the present condition of the Treasury and the estimated revenue for the next two years.

WILLIAM A. STONE.

Veto of Part of an Act Making an Appropriation to
the Altoona Hospital.

MAY 12TH, 1899.—THIS BILL IS APPROVED for the sum of \$12,000. I withhold my approval from the sum of \$2,000, which is the amount the trustees of said hospital have agreed should abate and be turned into the State Treasury, as per agreement filed in the office of the State Treasurer.

This action is necessary, owing to the present condition of the Treasury and the estimated revenue for the next two years.

WILLIAM A. STONE.

Veto of Part of an Act Making an Appropriation to
the Pennsylvania Museum and School of Industrial
Art of Philadelphia.

MAY 12TH, 1899.—THIS BILL IS APPROVED for the sum of \$35,000. I withhold my approval from the sum of \$5,000, which is the amount the trustees of said institution have agreed should abate and be turned into the State Treasury, as per agreement filed in the office of the State Treasurer.

This action is necessary, owing to the present condition of the Treasury and the estimated revenue for the next two years.

WILLIAM A. STONE.

Veto of Part of an Act Making an Appropriation to the Pennsylvania Epileptic Hospital and Colony Farm.

MAY 12TH, 1899.—THIS BILL IS APPROVED for the sum of \$5,000. I withhold my approval from the sum of \$5,000, which is the amount the trustees of said institution have agreed should abate and be turned into the State Treasury, as per agreement filed in the office of the State Treasurer.

This action is necessary, owing to the present condition of the Treasury and the estimated revenue for the next two years.

WILLIAM A. STONE.

Veto of Part of an Act Making an Appropriation to the West Side Hospital Association of Scranton.

MAY 12TH, 1899.—THIS BILL IS APPROVED except as to the item of \$15,000 for maintenance, which I have approved for \$10,000, withholding my approval of the sum of \$5,000, being the amount which the trustees of said hospital have agreed should abate and be turned into the State Treasury, as per agreement filed in the office of the State Treasurer.

This action is necessary, owing to the present condition of the Treasury and the estimated revenue for the next two years.

WILLIAM A. STONE.

Veto of Part of an Act Making an Appropriation to the House of Refuge, Situated in the Eastern District of the Commonwealth.

MAY 12TH, 1899.—THIS BILL IS APPROVED for the sum of \$135,000. I withhold my approval from the sum of \$15,000, which is the amount the trustees of said institution have agreed

should abate and be turned into the State Treasury, as per agreement filed in the office of the State Treasurer.

This action is necessary, owing to the present condition of the Treasury and the estimated revenue for the next two years.

WILLIAM A. STONE.

Veto of Part of an Act Making an Appropriation towards the maintenance of the Pennsylvania Nautical School Ship, Located at the Port of Philadelphia.

MAY 13TH, 1899.—APPROVED IN ACCORD-
ance with the provisional release filed in the
office of the State Treasurer, by which the Board
of Directors of this institution agree that that portion
of the appropriation amounting to \$6,000 for the last
half of the fiscal year beginning June first, 1900, shall
abate under certain conditions therein specified.

WILLIAM A. STONE.

Veto of Part of a Further Supplement to "An act to
Accept the Grant of Public Lands by the United
States for the Endowment of Agricultural Col-
leges."

MAY 13TH, 1899.—THIS BILL IS APPROVED
except as to the following items:

The item which provides for repairs and main-
tenance of buildings and maintenance and improve-
ment of steam plant the sum of \$2,500, or so much
thereof as may be necessary, is disapproved.

The item for maintaining campus walks and roads the sum of \$1,000, or so much thereof as may be necessary, is disapproved.

The item for maintenance of the Department of Physics and purchase of additional apparatus for physical research the sum of \$1,000, or so much thereof as may be necessary, is disapproved.

The item for maintenance of the Department of Civil Engineering and Equipment of the hydraulic laboratory the sum of \$2,500, or so much thereof as may be necessary, is disapproved.

The item for maintenance of the Department of Chemistry, including the chemical museum, the sum of \$2,000, or so much thereof as may be necessary, is disapproved.

The item for maintenance of the Department of Psychology, including psychological laboratory, the sum of \$1,000, or so much thereof as may be necessary, is disapproved.

And the item for maintenance of the biological and botanical laboratories the sum of \$1,000, or so much thereof as may be necessary, is disapproved.

These items are disapproved, not because they are not needed by the college, but because the financial condition of the State and the estimated revenues for the coming two years will not justify me in approving them.

WILLIAM A. STONE.

Veto of Part of an Act Making an Appropriation to the Medico-Chirurgical Hospital of Philadelphia.

MAY 13TH, 1899.—THIS BILL MAKES AN APPROPRIATION of \$85,000 for maintenance in the first item, and \$35,000 for repairs to hospital buildings in the second item.

I approve the sum of \$70,000 of the first item, and disapprove of the sum of \$15,000. Of the second item, providing for repairs to the hospital buildings, I approve of the sum of \$20,000, and disapprove of the sum of \$15,000. These reductions are in accordance with the agreement filed by the authorities of said institution in the office of the State Treasurer, which agreement also authorizes the State Treasurer to withhold the further sum of \$5,000, appropriated for maintenance, under certain conditions therein stipulated.

WILLIAM A. STONE.

Veto of Part of an Act to Provide for the Ordinary Expenses of the Executive, Judicial and Legislative Departments of the Commonwealth, interest on the Public Debt, and for the support of the public schools for the two fiscal years Beginning June first, One Thousand Eight Hundred and Ninety-nine, and for the Payment of Bills Incurred and Remaining Unpaid.

MAY 13TH, 1899.—THIS BILL IS APPROVED except as to the following items:

Public Grounds and Buildings.

The item in section two which provides as follows:

“For the payment of Anthony Frenie and Josiah Higgins, janitors of the toilet and bath rooms of the Capitol and Executive buildings, for two years, the

sum of three dollars each per diem, for time actually employed."

This item is disapproved for the reason that these men are already borne on the rolls as employes and paid by the departments to which they belong, and there is no necessity for this appropriation.

Also the item which provides as follows:

"For the payment of rent of rooms in the building at the corner of Second and Locust streets, Harrisburg, now occupied by the Department of Public Instruction, for the two fiscal years commencing June first, one thousand eight hundred and ninety-nine, the sum of two thousand four hundred dollars, or so much thereof as may be necessary."

This item is disapproved for the reason that I am assured by the Auditor General that quarters can be arranged in the new Capitol building for the Department of Public Instruction, and that this amount can thus be saved to the State.

Also the item which provides as follows:

"For the payment of rent of rooms in Harrisburg National Bank Building, now occupied by the Forestry Commissioner and the Economic Zoologist, for the two fiscal years commencing June first, one thousand eight hundred and ninety-nine, the sum of one thousand and eighty dollars, or so much thereof as may be necessary."

This item is disapproved for the reason that I am assured by the Auditor General that quarters can be arranged for these two departments in the new Capitol building and that this amount can thus be saved to the State.

Medical Council.

Also the item which provides as follows:

"For the payment of the necessary expenses of the Medical Council of Pennsylvania, two years, the sum

of two thousand dollars, or so much thereof as may be necessary."

This item is approved for the sum of \$1,000, and disapproved for the sum of \$1,000. This is an increase in the appropriation for the expenses of the Medical Council not authorized by the act of Assembly creating this Council, and in my judgment is not justified by the expense incurred.

Dental Council.

Also the item which provides as follows:

"For the payment of the necessary expenses of the Dental Council, two years, the sum of one thousand five hundred dollars, or so much thereof as may be necessary."

This item is disapproved for the reason that the act approved July 9, 1897, creating the Dental Council, makes provision that the expenses of that Council shall be paid out of the fees provided by said act, and there is no justification for taking this money out of the State Treasury.

Senate.

The item in section four which provides as follows:

"For the payment of the salaries of the officers and employes of the Senate (except Librarian and watchman), the sum of thirty-four thousand three hundred and twenty-four dollars, or so much thereof as may be necessary."

This item is approved for the sum of \$31,324, and disapproved for the sum of \$3,000, for the reason that in this item is embodied compensation for an engineer and fireman, which officers are not required during the period of adjournment, inasmuch as heat is supplied from outside the building and the services of an engineer and fireman are dispensed with. The sum of

\$3,000 is the amount ascertained by the State Treasurer which would be received by them under this appropriation.

Also the item which provides as follows:

"For the payment of the services of a calendar and property clerk in Senate, the sum of six hundred dollars for the session of one thousand eight hundred and ninety-nine, and three dollars per diem during the recess ending December thirty-first, one thousand nine hundred."

That portion of this item which appropriates \$600 for the session of 1899 is approved, and that portion of the item which appropriates \$3.00 per day during the recess ending December 31, 1900, is disapproved. There is no necessity for this office and no duties for the officer to perform, and in my judgment no justification for the approval of this portion of the item.

Also the item which provides as follows:

"To E. W. Smiley, chief clerk of the Senate, for the payment of salaries of five pages of the Senate, appointed in pursuance of resolution of the Senate (page four hundred and fifty-six Senate Journal, one thousand eight hundred and ninety-seven), the sum of seventeen hundred and fifty dollars."

This item is disapproved for the reason that it is in payment of expenses incurred during the Legislature of 1897, and which if justified should have been provided for by that Legislature. The whole question of extra employes was fully considered by the Legislature of 1897 and my predecessor in office, and I do not feel justified in opening it anew at this time.

House of Representatives.

The item in section four which provides as follows:

"For the payment of the salaries of officers and employes of the House (except resident clerk and watch-

man), the sum of forty-two thousand five hundred and twenty dollars, or so much thereof as may be necessary."

This item is approved for the sum of \$40,654, and disapproved for the sum of \$1,866, for the reason that the compensation for a fireman in the House amounting to \$1,866 is included in this item. The hall of the House of Representatives and all the committee rooms connected therewith are now heated by steam, conducted in pipes from other buildings, and the services of a fireman is no longer needed. I, therefore, withhold my approval of this portion of this item, which is the amount of his salary as calculated by the State Treasurer.

The item in section five which provides as follows:

"For the payment of the publication of the Legislative Record, the sum of three dollars and forty-four cents per page, in accordance with the contract relating thereto, and for the payment, at the same rate per page, of two hundred copies over and above the regular edition, delivered to the State Librarian as provided for by an act of Assembly approved June twenty-fourth, one thousand eight hundred and ninety-five."

That portion of this item which reads as follows: "And for the payment at the same rate per page, two hundred copies over and above the regular edition, delivered to the State Librarian as provided for by act of Assembly approved June 24, 1895, is disapproved for the reason that the cost of the publication of the Legislative Record is by page and not by copy. The appropriation of \$3.44 per page should be full compensation for the publication of the Record, and there is no necessity, or excuse, for any extra payment whatever.

The item in section eight which provides as follows:

"For the support of the public schools of the Commonwealth for the two years commencing on the first

day of June, one thousand eight hundred and ninety-nine, the sum of eleven million dollars, to be paid on warrants of the Superintendent of Public Instruction in favor of the several school districts of the Commonwealth."

This item makes an appropriation of \$5,500,000 annually for the support of the public schools of the Commonwealth. The Constitution of 1874 provides that not less than \$1,000,000 annually shall be appropriated for the support of the public schools of the State. The minimum amount fixed by the new Constitution was the maximum of legislative generosity from 1874 down to and including 1887; in other words, the Legislature, for a period of thirteen years after the adoption of the new Constitution, appropriated to the common schools the sum of \$1,000,000 annually. Prior to 1874 the annual appropriation to the common schools was very much less than the minimum amount fixed in the Constitution. In the early days of our system of popular education the common schools were supported almost entirely by local taxation. It was the thought of the early advocates of the public school system that the schools should be supported by the districts in which they were located, and that the people would have greater interest in them if taxed for that purpose. As the great business and material interests of the State developed it was deemed advantageous to the school system to make more liberal appropriations out of the State revenues.

In 1887 an agitation was started that resulted in increasing the annual appropriation to \$1,500,000, and for the two years following the public schools of the State received that amount each year. In 1889 the Legislature increased the appropriation to \$2,000,000 annually, and this was the amount of aid extended by the State to the public schools for the two years following that session. Being so successful in having

the appropriations for this purpose increased, the friends of our common schools continued the agitation during the session of 1891, with the result of increasing the annual amount set apart for school purposes to the princely sum of \$5,000,000. This is a larger amount than is appropriated by any other state in our great country for the support of common schools, and it was very generally supposed that no further attempt to increase it would be made. In 1893, however, a bill was introduced into the Legislature which authorized and required directors to furnish free text-books to the pupils in our common schools. At that time a very large number of the districts throughout the State did not provide free text-books for the pupils. The introduction of free text-books necessarily involved the expenditure of large sums of money, and the friends of this measure succeeded in securing an additional \$500,000 for this purpose. Following these precedents each succeeding Legislature has appropriated \$5,500,000 annually for the support of the common schools.

It must not be forgotten in this connection that the appropriation of \$5,500,000 does not include the appropriations made for the maintenance and support of our orphan schools, normal schools, the expenses incident to the support of the Department of Public Instruction, the payment of the salaries of county superintendents, and the appropriations made from time to time to other worthy educational institutions. Adding the appropriations made for the purposes last enumerated to the annual appropriation for the support of the common schools, we find that more than six million dollars are paid out of the State Treasury each year in support of the cause of education. When we take into consideration the fact that the net revenues of the State amount to little more than \$11,000,000 each year, it will be readily seen how generous the State has been in dealing with the school question.

These large and magnificent appropriations to the common schools have gone on from year to year until our Treasury is left in a condition of financial embarrassment and we are now confronted with the practical question whether or not we can continue to make these appropriations without seriously affecting the credit of the Commonwealth. I am proud of our common school system, and in hearty sympathy with every movement that has for its purpose the betterment of our schools. If a large deficit did not already exist in our Treasury on account of these appropriations, and if the anticipated revenues of the State would justify their continuance, I should most cheerfully give my approval to this section of the General Appropriation Bill. I cordially commend the intelligent purpose and patriotic devotion of our citizens to the common schools of the State, but every honest man must concede that it is impossible for the State to give away more money than it receives, no matter how worthy the purpose for which the money is expended. It is absolutely necessary to reduce the appropriations made by the Legislature, and it has seemed to me that, since free text-books have already been provided and paid for out of the general appropriations made since 1893, the annual appropriations could be reduced \$500,000 a year without doing any injustice to the schools.

In my Inaugural address I called the attention of the Legislature to the financial condition of the Commonwealth, and stated that there was an actual deficit of between three and four million dollars on account of unpaid appropriations, and suggested that the Legislature should either cut down the appropriations or increase the revenues. I urged this both privately and publicly upon different occasions, but the Legislature has adjourned without providing any additional revenue, except possibly an increase estimated at \$200,000 per annum after the first year under the new

mercantile tax law. The appropriations made will amount to as much as, if not more than, the estimated revenues of the next two years. On the first of June — but a few weeks hence—the whole appropriation of \$5,500,000 for the year ending at that time will be due, no part of which has yet been paid. At that time there will not be a million dollars in the Treasury to meet this obligation. In view of this financial condition it seems to me unwise to accumulate one appropriation upon another when there are no funds with which to pay them. I have carefully examined the General Appropriation Bill, as well as other appropriation bills, and have in every instance withheld my approval from items where I felt justified in so doing. In this way I have reduced the appropriations made by the Legislature and withheld my approval of bills amounting in round numbers to \$500,000. It is my earnest desire to pay the obligations of the State which have been heretofore made, and which it is honorably bound to pay, to relieve the present embarrassment of the Treasury, and preserve the credit of the State. No fair minded and impartial citizen will justify me in approving appropriation bills in excess of the unpaid appropriations made by prior Legislatures and the estimated revenues of the State for the two fiscal years next following. During the four years for which the people have honored me with the Executive Office I hope, by economy and care, even in the absence of additional revenue, to see these unpaid appropriations liquidated and the State placed upon a sound financial basis. A State, like an individual, cannot continue to pay out year by year more money than it receives and remain in a solvent condition. My purpose is to pay all appropriations made by the present Legislature which receive Executive approval and liquidate at least one and a half million dollars of the obligations remaining from former Legislatures during the next

two years. In order to do this I am compelled to reduce the appropriation to the common schools \$500,000 a year, amounting to one million dollars in two years, which, added to the \$500,000 obtained by reducing other appropriations of the Legislature of 1899, will enable the Auditor General and State Treasurer to reduce what would be called the floating debt \$1,500,000 during the next two years. In my judgment the State should pay its pre-existing debts, incurred under the sanction and authority of law, before it assumes new burdens which it is impossible to pay.

The authority of the Governor to disapprove part of an item is doubted, but several of my predecessors in office have established precedents by withholding their approval from part of an item and approving other parts of the same item. Following these precedents, and believing that the authority which confers the right to approve the whole of an item necessarily includes the power to approve part of the same item, I, therefore, approve of so much of this item which appropriates \$5,000,000 annually, making \$10,000,000 for the two years beginning June 1st, 1899, and withhold my approval from \$500,000 annually, making \$1,000,000 for the two school years beginning the first day of June, 1899.

The item in section nine which provides as follows:

“For the payment of the salaries of the county superintendents of the public schools, for two years, the sum of two hundred and thirty thousand dollars, or so much thereof as may be necessary, to be paid on warrant of the Superintendent of Public Instruction.”

This item is approved for the sum of \$205,000 and disapproved for the sum of \$25,000. This item in the appropriation bill of 1897 was \$198,000, but it was increased to the sum of \$230,000 in order to meet the requirements of the bill passed by the Legislature of 1899 prohibiting the school directors from fixing the

salaries of county superintendents at a less sum than \$1,500. That bill has not received Executive approval and the necessity for this increase no longer exists. The school directors in several of the counties have under their authority increased the salaries of county superintendents, which will require some few thousand dollars more than the amount appropriated in 1897, but I am satisfied that the sum of \$205,000 will be sufficient to meet these payments and, therefore, withhold my approval from the sum of \$25,000 in this item.

Also the item which provides as follows:

"For the education of teachers in the Normal Schools the sum of \$130,000 annually, or so much thereof as may be necessary, to be applied under the same conditions and under the same restrictions as are set forth in section 3 of the general appropriation act, approved March twenty-third, one thousand eight hundred and seventy-three, provided that each student in a normal school, drawing an allowance from the State, must receive instruction in the science and art of teaching in a special class devoted to that object, for the whole time such allowance is drawn, all of which sums herein appropriated shall be paid upon the warrant of the Superintendent of Public Instruction."

This item is approved in so far as it provides for the payment of \$130,000 for the first of the two years, and it is disapproved for the second school year beginning June first, 1900. This will give ample notice to all who are affected thereby. This course is made necessary by the condition of the Treasury and the estimated revenues of the State for the next two years.

The item in section twenty-one which provides as follows:

"For the payment of the expenses of the delegates appointed by the Governor to attend the Farmers' National Congress, held at Saint Paul, Minnesota, in the

year one thousand eight hundred and ninety-seven, and at Fort Worth, Texas, in the year one thousand eight hundred and ninety-eight, the sum of three thousand nine hundred and ninety-four dollars and sixty-two cents, or so much thereof as may be necessary, to be paid on the warrant of the Auditor General upon the presentation of specifically itemized vouchers, duly verified under oath by each of the several delegates, the same to be approved by the Auditor General and State Treasurer."

This item is disapproved for the reason that the delegates who attended the Farmers' National Congress, held at St. Paul, Minnesota, in the year 1897, and at Fort Worth, Texas, in the year 1898, were distinctly given to understand at the time of their appointments that they would serve, if they accepted the appointment, without compensation and without expense to the State. There is no authority in law to justify the State in paying these expenses, and while it has been customary to approve these items, I feel that the condition of the Treasury and the lack of revenue for the next two years will not justify the expenditure of the money provided in this appropriation, and I, therefore, withhold my approval of this item.

The item in section twenty-two which provides as follows:

"The State Treasurer is hereby authorized and directed to pay out of any moneys in the State Treasury not otherwise appropriated, on accounts to be audited and adjusted by the Auditor General and State Treasurer, the sum of seven hundred and fifty dollars, or so much thereof as may be necessary, to pay the sum they may find to be legally due to Messrs. Rankin & Kellogg, architects of the city of Philadelphia, for money expended and services rendered by them to the trustees of the asylum for the chronic insane, in fitting up the laundry, kitchen, refrigerators, dining-room and

chapel, including plumbing and finishing floors of said asylum."

This item is disapproved because the claims growing out of the construction to this institution were adjusted some years ago, and this claim was either not presented at the time or, if presented, was disallowed by the accounting officers of the State. The services were rendered some six years ago and I do not feel justified in concurring in this appropriation. I, therefore, withhold my approval.

The item in section twenty-three, which provides as follows:

"For the payment to Mary Weyand, of Somerset county, the sum of eighty-nine dollars and thirteen cents, the same being the amount paid by John Weyand, now deceased, the husband of the said Mary Weyand, for purchase money and fees for the tract of land in Turkeyfoot township, Somerset county, which amount was improvidently paid by said John Weyand, the title of said tract of land having been previously granted to other parties; said amount to be paid on warrant of the Auditor General on the State Treasurer in due form, upon a certificate from the Secretary of Internal Affairs that the warrant and patent granted in said case have been surrendered to the State. And for the payment to the estate of A. C. Patterson, the sum of three hundred dollars, the same being the amount paid by A. C. Patterson, now deceased, for an island in the Ohio River, in Allegheny county, which amount was improvidently paid by the said A. C. Patterson, the title to the said island having been previously granted to other parties; said amount to be paid on the warrant of the Auditor General on the State Treasurer in due form, upon a certificate from the Secretary of Internal Affairs that the warrant and patent granted in said case have been surrendered to the State."

These items are disapproved for the reason that Article III, Section 15, of the Constitution of the State, provides that "The General Appropriation Bill shall embrace nothing but appropriations for the ordinary expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, interest on the public debt and for public schools; all other appropriations shall be made in separate bills, each embracing but one subject," and the appropriations contained in this item are not for any ordinary expense of any department of the State Government and are not properly included in the General Appropriation Bill, and for the further reason that, if approved, such action would establish a precedent for many other similar claims, which might be presented by people who attempt to obtain title by location of land which they believe to be unpatented. The State officers cannot guarantee title to persons who claim land to be unpatented, and I very much fear that this would open the door to many similar claims.

The item in section twenty-four which provides as follows:

"The sum of two thousand two hundred and ninety-three dollars and ninety cents, or so much thereof as may be necessary, is hereby appropriated to Theodore C. Erb, mechanic of the Capitol building, to reimburse him for personal property, owned and used by him in the service of the State of Pennsylvania, which was destroyed by the burning of the Capitol building, February second, one thousand eight hundred and ninety-seven, in accordance with sworn statement furnished, and which shall be filed with the Auditor General when settlement of said account is made."

This item is disapproved because it is not such ordinary expense of the Executive, Legislative and Judicial Departments of the Commonwealth as is contemplated in Article III, section 15, of the Constitution

and it is, therefore, not properly incorporated in the General Appropriation Bill.

The item in section twenty-five which provides as follows:

“For the payment of the bills incurred and the necessary expenses thereunder of concurrent resolution, approved February ninth, one thousand eight hundred and ninety-seven, for stenographic services and typewriting, the sum of four hundred and sixty dollars, or so much thereof as may be necessary, to be paid on the warrant of the Auditor General to William K. Miller, upon the presentation of specifically itemized vouchers, duly verified and attested under oath.”

This item is disapproved for the reason that it is to pay for stenographic work and typewriting authorized by the Legislature of 1897, and should have been provided for by that Legislature, and was, as I am informed, partially paid. In my judgment the unpaid accounts of the Legislature of 1897 should not be satisfied by appropriations made at this time. This belongs to that class of claims about which much agitation has been made, and I do not feel disposed to reopen the subject.

The item in section twenty-six which provides as follows:

“To the estate of Edgar L. King, deceased, the sum of fifteen hundred dollars in full for bill of thirty-three hundred and thirty-seven dollars and eighty-five cents, for services during the session of one thousand eight hundred and ninety-seven, including stenographic, typewriter, copying work, and other services and expenses incurred in pursuance of concurrent resolutions, approved February ninth, one thousand eight hundred and ninety-seven, February sixteenth, one thousand eight hundred and ninety-seven, March seventeenth, one thousand eight hundred and ninety-seven, and April thirtieth, one thousand eight hundred and nine-

ty-seven, four hundred and fifty dollars of which shall be paid to Miss Gertrude M. Butler, his assistant, and one hundred and fifty dollars to William F. Reber, his assistant, and the remainder to Mrs. Edgar L. King, widow of Edgar L. King, deceased, payable upon proper warrants of the Auditor General."

This item is disapproved for the same reasons as set forth in the disapproval of item in section twenty-five of this bill.

The item in section twenty-nine which provides as follows:

"For the payment of the amount due the estate of George F. Murray, for work in and about the Capitol building in one thousand eight hundred and ninety-five, the sum of eight hundred and fifty dollars, or so much thereof as may be necessary, the same to be paid upon satisfactory proof to the Auditor General and State Treasurer that the work was duly ordered by competent authority and was properly done by said Murray."

This item is disapproved for the reason that the claim of George F. Murray was considered, and he has already been allowed the amount to which, in the judgment of the Board of Public Grounds and Buildings, he was entitled. This Board was better capable of judging the value of his services, and the compensation he should receive for his work, than the Legislature of 1899 and the Governor. An attempt to correct any mistakes which may have been made by the Board would, in my judgment, be unwarranted, and for that reason I withhold my approval of this item.

WILLIAM A. STONE.

Veto of a Joint Resolution Proposing Certain Amendments to the Constitution, in Connection with the Elections.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., May 5, 1899.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, Joint Resolution No. 103, "proposing an amendment to the Constitution of the Commonwealth," which originated in the House of Representatives, and was received by me April 17, 1899.

It is the purpose of this resolution to provide for the amendment of Sections 1 and 7 of Article VIII of the Constitution so as to provide that "laws regulating and requiring the registration of electors may be enacted to apply to cities only, provided that such laws be uniform for cities of the same class."

Section 7 provides that "all laws regulating the holding of elections by the citizens or for the registration of electors shall be uniform throughout the State." The framers of the new Constitution wrote into our fundamental law the wholesome provisions that all election and registration laws should be uniform throughout the entire State, and I can see no sufficient reason why a different rule should prevail at the present time. It seems to me that every citizen, in the exercise of the right of suffrage, should be on an exact equality with his fellow citizens, no matter in what part of the Commonwealth he may be located. I cannot but doubt the propriety of changing the Constitution so as to permit the enactment of laws that will make qualifications of electors in the cities and other municipalities different from the qualifications of electors in other parts of the Commonwealth.

The submission of a constitutional amendment to a

vote of the people necessarily imposes upon the taxpayers a very considerable expense, and it should not be done unless there is some public necessity for the proposed amendment. I am not convinced that any such necessity exists in reference to the proposed amendment. A constitution preserves the rights, liberties and privileges of the people and should not be easily disturbed. I therefore withhold my approval.

WILLIAM A. STONE.

Veto of a Joint Resolution Proposing an Amendment to the Constitution, in Connection with the Elections.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., May 12, 1899.

I HEREWITH FILE, IN THE OFFICE OF THE Secretary of the Commonwealth, without my approval, a Joint Resolution "proposing an amendment to the Constitution of the Commonwealth," which originated in the Senate and was received by me on the 20th day of April, A. D. 1899.

It is the purpose of this resolution to provide for the amendment of Section 4 of Article VIII of the Constitution, which requires that all elections shall be by ballot. As it now stands, the Constitution provides that every ballot voted shall be numbered, and the number must be recorded by election officers on the list of voters opposite the name of the elector. It also provides that an elector may write his name upon the ticket, or cause the same to be written thereon, so that his right of suffrage may not be interfered with. This provision was intended, not only to prevent fraud

in our elections, but to make more easy the detection of the fraudulent voter. So far as I have any knowledge on the subject, this provision of the Constitution has given very general satisfaction to our people and is considered a safeguard in the exercise of the elective franchise. It is the intention of the proposed amendment to strike down these constitutional limitations so that the Legislature may adopt any system of voting it may see fit. While it does not appear in the language of the proposed amendment, it is, nevertheless, well understood that its promoters have in view the introduction of voting machines into the many election districts of the State. This would involve the Commonwealth or the counties in the expenditure of large sums of money, and it is very doubtful whether our electors and taxpayers are prepared for such a radical change in the system of voting and to pay the expenses which would necessarily be incurred by the introduction of voting machines.

The question of the right of the Executive to approve or disapprove of a resolution proposing an amendment to the Constitution has been raised, and it may not be deemed improper to state, in this connection, what the requirements of the Constitution and the precedents are in this respect. It is quite true that this exact question has not yet been passed upon by our courts, and it may be properly said that it is not free from doubt. It has, however, been considered by my predecessors in office at least four times since the adoption of the new Constitution.

In 1885 a joint resolution proposing an amendment to the Constitution was passed by the Legislature and presented to the Governor for his approval or disapproval. That amendment was neither approved nor disapproved, but the right of the Governor to pass upon it was recognized in the following language by the then Executive: "And not having been filed in the

office of the Secretary of the Commonwealth, with my objections thereto, within thirty days after the adjournment of the Legislature on the twelfth day of June last passed, you are therefore hereby directed to cause it to be enrolled and published."

The question came before the Governor in 1887, in the shape of a joint resolution proposing an amendment to the Constitution of the Commonwealth prohibiting the manufacture and sale of intoxicating liquor as a beverage. The Governor recognized his right to pass upon such legislation by approving said resolution on the tenth day of February of that year.

The question again came before the Legislature and the Governor in 1889, when a joint resolution proposing an amendment to the Constitution passed the Legislature, and was approved by the Executive on the thirty-first day of January of that year.

Again in 1891 an amendment was proposed, providing for a constitutional convention. The act providing for a submission of this question to a vote of the people was passed by the Legislature, and approved by the Governor on the nineteenth day of June of that year.

From all these precedents, it appears that the Legislature, as well as my predecessors in office, have acted upon the theory that a resolution proposing an amendment to the Constitution should be treated as the joint act of the Legislative body, which must be approved or disapproved by the Governor under Section 26 of Article III of the Constitution, which provides:

"Every order, resolution or vote, to which the concurrence of both houses may be necessary, except on the question of adjournment, shall be presented to the Governor and before it shall take effect be approved by him, or being disapproved, shall be repassed by two-thirds of both houses, according to the rules and limitations prescribed in case of a bill."

It seems to me that the reasonable construction is that these constitutional provisions are in *pari-materia*, under the well established rule that such an interpretation should be placed upon a constitution or statute that all of its parts can stand together, unless clearly repugnant to one another. A resolution proposing an amendment to the Constitution requires the concurrence of both houses, as indicated in Section 26, above referred to, and would, therefore, seem to require executive approval or disapproval. It should not be forgotten in this connection, that this resolution has been presented to the Governor by the Legislature through its proper officers and in the ordinary form, and is upon my table, as a part of the work of the Legislature, for my approval or disapproval. If the power of the Executive to pass upon joint resolutions proposing amendments to the Constitution is doubted it can very properly be raised in the courts where the question should be finally determined.

Following the precedents established by my predecessors, and acting under the authority conferred upon the Executive by Section 26 of Article III of the Constitution, above referred to, I withhold my approval.

WILLIAM A. STONE.

Proclamation of Vetoes—1899.



IN THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania. Executive Department.

A PROCLAMATION.

I WILLIAM A. STONE, GOVERNOR OF THE Commonwealth of Pennsylvania, have caused this Proclamation to issue, and in compliance with the provisions of Article four, Section fifteen, of the Constitution thereof, do hereby give notice, that I have filed in the Office of the Secretary of the Commonwealth, with my objections thereto, the following bills passed by both Houses of the General Assembly, viz:

House bill No. 15, entitled "An act to protect the public from the unlawful use of bottles, jars, vessels or other packages, in the sale and delivery of milk and cream, and their products."

House bill No. 35, entitled "An act to amend the act, entitled 'An act to limit the duration of the lien of the debts of decedents other than those of record,' approved the eighth day of June, Anno Domini one thousand eight hundred and ninety-three, extending the duration of the lien of the debts of a decedent upon real estate to five years."

House bill No. 86, entitled "A supplement to an act, entitled 'An act to provide for the incorporation and regulation of savings banks and institutions without capital stock, established for the encouragement of saving money,' approved the twelfth day of May, one thousand eight hundred and eighty-nine, authorizing, and regulating branch offices of such banks and institutions."

House bill No. 166, entitled "An act granting a pension to Evan James.

Whereas, Evan James, a private of Company I, commanded by Captain F. S. Boas, in the Twelfth Regiment, Pennsylvania Volunteer Militia, commanded by Colonel W. B. Thomas, called out by the Proclamation of the Governor (Andrew G. Curtin) dated tenth day of September, one thousand eight hundred and sixty-

two, while with his company and regiment on the railroad train from Greencastle to Harrisburg, Pennsylvania, in consequence of a collision of cars, his right foot was badly injured, right ankle broken, two ribs on left side broken, and serious bodily injuries sustained. He also suffers from rheumatism, resulting from said injuries, crippling him for life, and rendering him unfit for manual labor."

Senate bill No. 43, entitled "An act to enlarge the competency of the wife to testify against her husband."

House bill No. 20, entitled "An act to authorize the erection of borough supervisor, for the purpose of keeping open and repairing said streets and crossings in all boroughs of this Commonwealth."

House bill No. 79, entitled "An act to provide that the treasurers of the several counties, or city co-extensive with a county, of the Commonwealth shall transmit annually to the State Treasurer the one-fourth part only or such portion only as the Commonwealth is or may be legally entitled to retain, of the tax collected on property subject to taxation for State purposes."

Senate bill No. 202, entitled "An act to amend an act, entitled 'An act to amend an act, entitled 'An act prescribing the mode of fixing the salaries of county superintendents of common schools,' approved the twenty-ninth day of April, Anno Domini one thousand eight hundred and seventy-eight, amending first section thereof by fixing minimum salaries to be paid said superintendents increasing minimum salaries to be paid said superintendents."

House bill No. 134, entitled "An act making an appropriation to William District, a cook in company C, Fourteenth regiment, National Guard of Pennsylvania, on account of injuries received while on duty at Camp Hastings, in April, Anno Domini one thousand eight hundred and ninety-eight."

Senate bill No. 300, entitled "An act to provide compensation to Daniel B. Hughes, a member of the National Guard of Pennsylvania for loss of work, medical attendance and nursing during the time of his disability produced by a cold in the head which he contracted in the service at Lattimer, Pennsylvania, in September, one thousand eight hundred and ninety-seven."

House bill No. 300, entitled "An act granting a pension to Emma C. Shadel, the widow of Sergeant Elmer E. Shadel, and authorizing the State Treasurer to place her name on the list of pensioners, and pay said pension to her quarterly."

House bill No. 301, entitled "An act, entitled 'An act granting a pension to Mary E. Givens, widow of W H. Givens.'"

House bill No. 698, entitled "An act making an appropriation to the Allentown Hospital Association."

House bill No. 753, entitled "An act making an appropriation to the Master Builders' Mechanical Trade School of the City of Philadelphia."

House bill No. 142, entitled "An act to amend the first and second sections of an act, entitled 'An act providing for the regulation of the manufacture and sale of distilled and fermented vinegars, prescribing their standard, to prevent the adulteration of the same, providing for the enforcement thereof, and punishment for the violation of the same,' approved the eighteen day of June, Anno Domini one thousand eight hundred and ninety-seven, so as to provide that vinegar made wholly from grapes, apples or other fruit shall not be required to contain an acidity of four per centum, or one and one-half per centum of solids."

House bill No. 777, entitled "An act making an appropriation to William F. Powell, Second Lieutenant of Company I, Ninth Regiment, National Guard of Pennsylvania, on account of accident and disability

contracted at Hazleton, Luzerne county, Pennsylvania, in the riots of one thousand eight hundred and ninety-seven."

House bill No. 783, entitled "An act making an appropriation to Charles N. Robinson, a seaman in Division A, First Naval Battalion, Naval Force of the State of Pennsylvania, on account of injuries received while on duty on United States ship San Francisco, in August, Anno Domini one thousand eight hundred and ninety-three."

Senate bill No. 128, entitled "An act to amend an act, entitled 'An act authorizing the State Treasurer to refund collateral inheritance tax heretofore paid or that may hereafter be paid in error,' passed the twelfth day of June, Anno Domini one thousand eight hundred and seventy-eight, providing that the limitation of time within which such applications may be made shall not apply to certain cases."

Senate bill No. 32, entitled "A further supplement to the act, entitled 'An act to prescribe the manner in which the courts may divide boroughs into wards,' approved May fourteen, one thousand eight hundred and seventy-four, providing for the electing and commissioning of separate justices of the peace in and for each of the wards into which boroughs, located within the limits of counties containing not less than one hundred and fifty thousand inhabitants, may be divided."

House bill No. 585, entitled "An act relating to and fixing the compensation and fees of the treasurer of Northampton county, and repealing section forty-one of the act of one thousand eight hundred and thirty-four, so far as it relates to said county of Northampton."

House bill No. 109, entitled "An act to amend the first section of an act, entitled 'An act to provide for the licensing of buildings and other places in which

theatrical, operatic or circus performances are held and menageries or museums are exhibited, and fixing the price to be paid for said licenses,' approved the twenty-fourth day of June, Anno Domini one thousand eight hundred and ninety-five, exempting buildings used for such purposes in boroughs and townships having a population of less than one thousand five hundred people."

Senate bill No. 41, entitled "An act repealing the act 'providing for the collection of the amounts due the Commonwealth for the purchase money, interest and fees due on unpatented lands,' approved May twenty-sixth, one thousand eight hundred and ninety-seven."

Senate bill No. 107, entitled "An act providing for the transfer of judgments and mortgages, by the holders thereof, at maturity, upon the request of the debtor."

House bill No. 168, entitled "An act to recognize the service of Colonel William Bender Wilson, to the Commonwealth during the Civil War."

Senate bill No. 20, entitled "An act to make county, city, school, borough, road, poor and township taxes a lien on real estate, and to give such lien or liens priority for the period of two years from the time such taxes are levied, in the order named, over any tax, lien, recognizance, mortgage, judgment, obligation or responsibility, except the interests of the widow and heirs charged on real estate under proceedings in the Orphans' Court, but no longer, unless the same be entered of record in the Prothonotary's office, of the proper county in which such real estate is situate in appropriate tax lien docket or dockets, in alphabetical order, against the several persons, firms or corporations against whom the same may be levied or assessed, and making such entry, notice to all persons, and providing that such liens shall not be hereafter entered upon the general judgment index; providing the

manner of continuing and enforcing such liens, and designating the fees of the prothonotary in connection therewith; providing when such liens shall be discharged by a judicial sale of the real estate so encumbered, and imposing duties upon sheriffs, tax collectors, county commissioners, county, city, school, borough, road, poor and township officials and other persons, in the collection of said taxes."

Senate bill No. 1, entitled "An act to make active or visiting committees of societies incorporated for the purpose of visiting and instructing prisoners, official visitors of penal and reformatory institutions."

Senate bill No. 306, entitled "An act to provide for the entering of liens for the better securing the pay of mechanics, laborers, and material men, for work and labor done and for material furnished about the erection of any new buildings, and for the repairs and alterations of those already built and to be built."

Senate bill No. 46, entitled "An act to amend the sixth section of an act, entitled 'An act for the greater certainty of title and more secure enjoyments of real estate,' approved twenty-second April, one thousand eight hundred and fifty-six, wherein it relates to implied and resulting trusts in favor of married women."

Senate bill No. 56, entitled "An act empowering cities to grade, pave, curb, macadamize and otherwise improve public streets and alleys or parts thereof, without petition of property owners, providing for the collection of the costs, damages and expenses thereof, and the appointment of viewers thereon, and the proceedings of said viewers and their compensation."

Senate bill No. 181, entitled "An act supplementary to an act, entitled 'An act to authorize incorporated companies to invest and reinvest surplus funds in mortgages, stocks and other securities, and fixing the time for holding elections for directors,' approved

March thirty-first, one thousand eight hundred and sixty-eight."

House bill No. 468, entitled "An act to provide for an additional law judge of the several courts of the sixth Judicial District."

House bill No. 389, entitled "An act to amend the eighteenth paragraph of section second of an act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved the twenty-ninth day of April, Anno Domini one thousand eight hundred and seventy-four, so as to authorize the formation of corporations for any lawful purpose not otherwise specifically provided for by act of Assembly."



Given under my hand and the Great Seal of the State at the City of Harrisburg, this Eighteenth day of May, in the year of our Lord one thousand eight hundred and ninety-nine, and of the Commonwealth, the one hundred and twenty-third.

WILLIAM A. STONE.

By the Governor:

W. W. Griest,

Secretary of the Commonwealth.

Filed in the office of the Secretary of the Commonwealth this 18th day of May, A. D. 1899.

Lewis E. Beitler,

Deputy Secretary of the Commonwealth.

Appeal for Aid for Hurricane Victims in Porto Rico.

Commonwealth of Pennsylvania,

Executive Department,

Harrisburg, Pa., August 16, 1899.

To the People of Pennsylvania:

THE DEVASTATION WROUGHT BY THE RE-
cent hurricane in Porto Rico is greater than was
at first supposed. A great multitude of people,
rendered utterly destitute by this awful calamity
must be fed and cared for during a considerable period
until they can have opportunity to produce food for
themselves. The Secretary of War has requested the
Governors of the several States to ask the people to
contribute to the relief of those in Porto Rico made
destitute by this sad disaster.

Prompt relief should be furnished that those who
have recently come under our care and protection
shall know that our people are ever ready to lend a
helping hand to those who have a right to expect our
aid. I therefore appeal to the people of Pennsylvania
to send such money and supplies as they can well
spare for this worthy and humane purpose.

Supplies should be sent to Colonel F. B. Jones,
Army Building, foot of Whitehall street, New York
City, in packages plainly marked 'Porto Rican Relief,'
and he should be consulted as to time of shipment.
Money should be sent to the National Bank of North
America, New York City, which has been designated
as a depository for the relief fund.

Existing Cuban and Porto Rican societies in the dif-
ferent cities and towns of the State are requested to
act as agents in the collection and shipment of sup-
plies and money.

WILLIAM A. STONE,
Governor.

Proclamation of Pennsylvania Day at the National
Export Exposition at Philadelphia, 1899.



IN THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania. Executive Department.

A PROCLAMATION.

To all to whom these Present shall come, Greeting:

AS THE EXECUTIVE OF THE COMMONwealth of Pennsylvania, I take pleasure in calling the attention of all citizens of this Commonwealth to the claims of the National Export Exposition now being held in Philadelphia to their earnest support, and do hereby designate Thursday, November 16th, as Pennsylvania Day at the said National Export Exposition to be observed as a day set apart in honor of this Commonwealth.

The National Export Exposition has been inaugurated and developed under the auspices of the Philadelphia Commercial Museums in the interests of the industrial and trade advancement of the United States; and, in connection with the recent International Commercial Congress, which was included within the scope of the general plan of the originators of the exposition, has deservedly attracted international attention. The National Government both by legislative and executive action, has recognized the importance of this enterprise, and has contributed to its success by liberal appropriations and has given to it all the force possible in the fullest Federal recognition.

The Commonwealth of Pennsylvania has also fully and generously recognized its importance and the city of Philadelphia has added its recognition and financial support.

The Exposition and the work of its management has

met also with the most significant approval of the general public and has been of such a character as to deserve the commendation and assistance of all citizens, not only of Pennsylvania, but of the entire country.

It is therefore, the pleasure of the Executive of the Commonwealth of Pennsylvania to impress upon the consideration of the citizens of this State, the designation of the special day-namely, that of November 16th, to be observed as a day set apart in honor of this Commonwealth.

Although the National Export Exposition is broader in its scope than if it were particularly a Pennsylvania enterprise, its success cannot fail, in a special way, to redound to the credit of the State and to the City of Philadelphia in whose boundaries it has been located. The Exposition and its hand mate the International Commercial Congress, has fixed the attention of the whole world upon the astonishing progress of American industrial development and the exposition itself and its exhibits have fully realized the expectation of its friends. The exposition, therefore, honors the State in designating a specific day upon which its citizens may demonstrate their appreciation of this great effort towards the extension of American trade at home and abroad. Every good citizen of the Commonwealth who has it within his power to assist in making "Pennsylvania Day" one which will be worthy of this State and a proper tribute from the State to the exposition, should lend his aid in that direction in the way best possible to him.

I most earnestly urge upon the citizens of the Commonwealth, the interest of which as a manufacturing State are not surpassed by those of any other State, their duty to attend the exposition upon the said day, with their families, and by their presence give to it that endorsement which its merits, its interests and its importance warrant.



Given under my hand and the Great Seal of the State at the City of Harrisburg, this eighth day of November, the year of our Lord one thousand eight hundred and ninety-nine and of the Commonwealth the 124th.

WILLIAM A. STONE.

By the Governor:

W. W. Griest,

Secretary of the Commonwealth.

Proclamation of the Election of Judges of the Supreme Court, 1899.



IN THE NAME AND BY THE Authority of the Commonwealth of Pennsylvania. Executive Department.

A PROCLAMATION.

WHEREAS, IT IS PROVIDED IN AND BY AN act of the General Assembly of this Commonwealth, entitled "An act to provide for the election of Judges of the several courts of this Commonwealth, and to regulate certain Judicial Districts," approved the 15th day of April, A. D., 1851, that the Secretary of the Commonwealth shall cause the returns made to him of an election for Judges of the Supreme Court to be opened and the votes cast for the persons voted for to fill said offices to be accurately computed and that the Governor shall forthwith issue his proclamation declaring the persons voted for for Judges of the Supreme Court who have received the greatest number of votes to be duly elected.

And whereas, The Secretary of the Commonwealth has caused the returns of the late general election for Judges of the Supreme Court to be opened and the votes cast to be accurately computed it appears that

J. HAY BROWN and S. LESLIE MESTREZAT have received the greatest number of votes of the persons voted for to fill the said office of Judge of the Supreme Court.

Now therefore, In conformity to the provisions of the aforesaid act of the General Assembly I, William A. Stone, Governor of said Commonwealth, do issue this my proclamation hereby publishing and declaring that of the persons voted for for Judges of the Supreme Court of this Commonwealth at the last general election held on Tuesday the seventh day of November, A. D. 1899,

J. HAY BROWN and S. LESLIE MESTREZAT received the greatest number of votes and are duly elected Judges of the Supreme Court of this Commonwealth.



Given under my hand and the Great Seal of the State at the City of Harrisburg, this 20th day of November in the year of our Lord one thousand eight hundred and ninety-nine and of the Commonwealth the one hundred and twenty-fourth.

WILLIAM A. STONE.

By the Governor:

W. W. Griest,

Secretary of the Commonwealth.

Proclamation of the Election of John I. Mitchell, as
Judge of the Superior Court.



IN THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania. Executive Department.

A PROCLAMATION.

WHEREAS, IT IS PROVIDED IN AND BY AN act of the General Assembly of this Commonwealth, entitled "An act to establish an intermediate court of appeal; regulating its constitution, officers, jurisdiction, powers, practice, and its regulation to the Supreme Court and other courts; providing for the report of its decisions, the compensation of the Judges and other officers, and the practice and costs on appeals from its judgments," approved the 24th day of June, A. D. 1895, the Secretary of the Commonwealth shall cause the returns made to him by the prothonotaries of the several counties of this State, of an election for Judges of the Superior Court, to be opened and the votes cast for the persons voted for to fill the said offices to be correctly computed and to certify the result to the Governor of said Commonwealth, and the Governor shall forthwith issue his proclamation declaring the successful candidates voted for for Judges of the Superior Court who have received the greatest number of votes cast, to be duly elected;

And whereas, The Secretary of the Commonwealth has caused the returns of the late general election for Judge of Superior Court, to be opened and the result ascertained and certified to me, whereupon it appears that John I. Mitchell received the greatest number of votes of the persons voted for to fill the said office of Judge of the Superior Court.

Now therefore, In conformity to the provisions of

the aforesaid act of the General Assembly, I, William A. Stone, Governor of said Commonwealth, do issue this my proclamation, publishing and declaring that the persons voted for for Judge of the Superior Court of this Commonwealth at the last general election held on Tuesday the seventh day of November, Anno Domini one thousand eight hundred and ninety-nine, John I. Mitchell was the person voted for who received the greatest number of votes, and he is, therefore elected Judge of the Superior Court of this Commonwealth.



Given under my hand and the Great Seal of the State at the City of Harrisburg, this 20th day of November in the year of our Lord one thousand eight hundred and ninety-nine and of the Commonwealth the one hundred and twenty-fourth.

WILLIAM A. STONE.

By the Governor:

W. W. Griest,

Secretary of the Commonwealth.

Proclamation of the Election of James E. Barnett as State Treasurer.



IN THE NAME AND BY THE Authority of the Commonwealth of Pennsylvania, Executive Department.

A PROCLAMATION.

WHEREAS, AN ACT OF THE GENERAL Assembly of this Commonwealth, entitled "An act to provide for the receiving, opening and publishing of the returns of the election for State Treas-

urer and of Auditor General when elected at the same election," approved the ninth day of May, Anno Domini one thousand eight hundred and seventy-nine, provides that whenever the Legislature shall not be assembled and a State Treasurer or Auditor General shall have been elected at the preceding annual election the Governor, the President Judge of the Twelfth Judicial District, the President pro tempore of the Senate, the Speaker of the House of Representatives, four members of the Senate and six members of the House of Representatives, four members of the Senate and six members of the House of Representatives shall meet in the Senate Chamber at Harrisburg, at twelve o'clock noon, on the third Tuesday of January succeeding each election of State Treasurer or Auditor General, and they or a majority of them being so convened shall proceed to open, compute and publish the returns of the election for State Treasurer and Auditor General and shall file in the office of the Secretary of the Commonwealth a certificate signed by each of them setting forth the aggregate number of votes received by each person voted for at such election: The Governor shall within ten days thereafter declare by Proclamation the name of the person elected to each of said offices.

And whereas, The persons composing the Commission to open, compute and publish the returns of the late general election for State Treasurer, held on Tuesday, the seventh day of November, Anno Domini one thousand eight hundred and ninety-nine, have filed in the office of the Secretary of the Commonwealth, the certificate provided for in the above recited act of the General Assembly, showing that JAMES E. BARNETT received the greatest number of votes of the persons voted for at said election to fill the office of State Treasurer.

Now Therefore, I, William A. Stone, Governor of said Commonwealth, in conformity with the provisions

of the aforesaid act of the General Assembly, do issue this my Proclamation, hereby declaring that

JAMES E. BARNETT

was elected to the office of STATE TREASURER at the general election held on the seventh day of November, Anno Domini one thousand eight hundred and ninety-nine, he having received the highest number of votes of the persons voted for to fill the said office of State Treasurer at said election.



Given under my hand and the Great Seal of the State at the City of Harrisburg this seventeenth day of January in the year of our Lord one thousand nine hundred and of the Commonwealth the 124th.

WILLIAM A. STONE.

By the Governor:

W. W. Griest,

Secretary of the Commonwealth.

Arbor Day Proclamation, 1900.



IN THE NAME AND BY the authority of the Commonwealth of Pennsylvania, Executive Department.

A PROCLAMATION.

IT IS MY PLEASANT DUTY TO AGAIN CALL the attention of the citizens of this Commonwealth to the time honored custom of systematically planting trees and shrubs and thus in a measure repairing the injury caused by a too rapid destruction

of our forests. The inestimable benefits of this custom are evidenced not only by the increasing beauty of our parks and avenues, but by the interest which our people are taking in the necessity and benefits of larger wooded areas. Through the efforts of scientific wood culture, young forests are springing up in different parts of the State and it will not be long before an appreciable change will be noticed in the flow of the waters of our State.

Especially should Arbor Day be observed in view of the fact that the State, in compliance with several Acts of Assembly creating forest reserves, is now purchasing forest lands. This has greatly increased the market value of similar wooded tracts and a larger revenue should come to the counties from taxes levied upon them. The results in other countries show that there will soon be a considerable revenue to the State from the sale of merchantable timber taken from its reserves, but the immediate benefit is to the people who will have the right to go upon these lands for fishing, hunting, outing and camping without feeling themselves liable as trespassers. Our cities have their parks maintained at great expense. These forest reserves will be the people's parks, free to all who comply with the laws for their preservation. In calling the attention of those observing Arbor Day to the purchase of forest lands by the State, it is with the hope that the action of the State officials in putting in force the laws creating forest reserves may meet with public approval and that the sentiment favorable thereto may be strengthened.

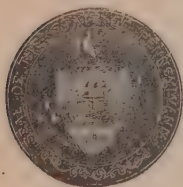
In order that our citizens, both young and old, may continue to contribute their share in this great movement.

I, William A. Stone, Governor of the Commonwealth of Pennsylvania, in accordance with law, do hereby designate and proclaim Friday, the Sixth day of April

and Friday, the Twentieth day of April, A. D. 1900, to be observed as

Arbor Day Throughout the Commonwealth.

Two days are set apart for the observance of Arbor Day. Inasmuch as the climatic conditions may render one of these days more favorable for the purpose intended than the other, the selection is left with the citizens of the various sections of the Commonwealth.



Given under my hand and the Great Seal of the State at the City of Harrisburg, this Ninth day of March in the year of our Lord one thousand nine hundred, and of the Commonwealth the one hundred and twenty-four.

WILLIAM A. STONE.

By the Governor:

W. W. Griest,

Secretary of the Commonwealth.

Proclamation Inviting the Citizens of the Commonwealth to Contribute Aid to the Sufferers from a Destructive Flood at Galveston, Texas.



IN THE NAME AND BY THE Authority of the Commonwealth of Pennsylvania, Executive Department.

A PROCLAMATION.

To the Citizens of the Commonwealth of Pennsylvania:

An awful calamity has visited Galveston and surrounding points in Texas, rendering homeless and destitute thousands of people, destroying hundreds of lives and entailing untold loss of property.

The citizens of Pennsylvania, always ready to respond to calls for aid in time of extremity and gratefully remembering the generous and prompt action of Texas and other States when death and disaster visited our own Commonwealth, are now urged to respond promptly and generously to the call for succor which comes from Texas.

Contributions of cash may be sent to Drexel & Co., Philadelphia; provisions or clothing may be sent to Theodore C. Knaus, the Bourse, Philadelphia, Pa., who will promptly transmit the same to the authorities of Galveston. The Pennsylvania Railroad Company has notified me that it will transport over their lines all contributions free of charge.



Given under my Hand and the Great Seal of the State at Harrisburg, this eleventh day of September in the year of our Lord one thousand nine hundred, and of the Commonwealth the one hundred and twenty-fourth.

WILLIAM A. STONE.

By the Governor:

W. W. GRIEST,

Secretary of the Commonwealth.

Message of Sympathy to the Governor of Texas on
Account of the Galveston Disaster.

THE CITIZENS OF PENNSYLVANIA EXTEND their heartfelt sympathy to the stricken people of Texas. Have issued a call upon our citizens for contributions and take pleasure in sending you a mite for myself.

WILLIAM A. STONE,

September 11, 1900,

Proclamation of a Day of Thanksgiving, 1900.



IN THE NAME AND BY
the authority of the Com-
monwealth of Pennsylvania,
Executive Department.

A PROCLAMATION.

FOLLOWING THE EXAMPLE OF THE PRESIDENT of the United States, who, in obedience to a national custom hallowed by long and glad observance, has set apart a day of praise and thanksgiving to Almighty God for the unprecedented blessings with which He has filled and crowned the preceding year, I, William A. Stone, Governor of the Commonwealth of Pennsylvania, do hereby name Thursday, November 29, as a day of thanksgiving and prayer.

The citizens of our Commonwealth have enjoyed a condition of unusual prosperity. Labor has had constant employment at good wages. Our crops have been bountiful, and the various products of industry have found new markets in all parts of the world. No great calamity or epidemic has visited us and the general health of our people has been excellent. Our State has continued its steady and healthy advance toward a higher citizenship, and the future is bright and promising.

Let us, on this day, put aside our usual cares and labors and join with one another in manifesting our gratitude to the divine source of these multiplied evidences of progress and human advancement.

To this end I advise that religious exercises be conducted in all churches, and that devout prayers be offered to Almighty God for a continuance of His guidance and care. Let us especially remember the sick, the needy and the poor, and endeavor in so far as in our power to see that no one within the limits of our Commonwealth shall be in want.



Given under my hand and the Great Seal of the State at the City of Harrisburg, this tenth day of November, in the year of our Lord one thousand nine hundred and of the Commonwealth the one hundred and twenty-fifth.

WILLIAM A. STONE.

By the Governor:

W. W. Griest,

Secretary of the Commonwealth.

Proclamation of the Election of Representatives of Pennsylvania in the Congress of the United States.



IN THE NAME AND BY THE Authority of the Commonwealth of Pennsylvania, Executive Department.

A PROCLAMATION.

WHEREAS, IN AND BY AN ACT OF THE General Assembly, entitled "An Act relating to the elections of this Commonwealth," approved the second day of July, A. D. 1839, it is made the duty of the Governor upon receipt of the returns of the election of Members of the House of Representatives of the United States by the Secretary of the Commonwealth, to declare by proclamation the names of the persons returned as elected in the Representative Districts.

And whereas, The returns of the general election held on Tuesday, the sixth day of November, A. D. 1900, for Representatives of the people of this State in the House of Representatives of the United States for the term of two years from the fourth day of March next, have been received at the office of the Secretary of the Commonwealth agreeably to the provisions of

the above recited Act of the General Assembly, whereby it appears that

In the First District, composed of the First, Second, Seventh, Twenty-sixth, Thirteenth, Thirty-sixth and Thirty-ninth Wards of the City of Philadelphia, Henry H. Bingham has been duly elected.

In the Second District, composed of the Eighth, Ninth, Tenth, Thirteenth, Fourteenth and Twentieth Wards of the City of Philadelphia, Robert Adams, Jr., has been duly elected.

In the Third District, composed of the Third, Fourth, Fifth, Sixth, Eleventh, Twelfth, Sixteenth and Seventeenth wards of the City of Philadelphia, Henry Burk has been duly elected.

In the Fourth District, composed of the Fifteenth, Twenty-first, Twenty-fourth, Twenty-seventh, Twenty-eighth, Twenty-ninth, Thirty-second, Thirty-fourth, Thirty-seventh, Thirty-eighth and Fortieth wards of the City of Philadelphia, James Rankin Young has been duly elected.

In the Fifth District composed of the Eighteenth, Nineteenth, Twenty-second, Twenty-third, Twenty-fifth, Thirty-first, Thirty-third, Thirty-fifth and Forty-first wards of the City of Philadelphia, Edward deV. Morrell has been duly elected.

In the Sixth District, composed of the counties of Chester and Delaware, Thomas S. Butler has been duly elected.

In the Seventh District, composed of the counties of Montgomery and Bucks, Irving P. Wanger has been duly elected.

In the Eighth District, composed of the counties of Northampton, Monroe, Pike and Carbon, Howard Mutchler has been duly elected.

In the Ninth District, composed of the counties of Berks and Lehigh, Henry D. Green has been duly elected.

In the Tenth District, composed of the county of Lancaster, Marriott Brosius has been duly elected.

In the Eleventh District, composed of the county of Lackawanna, William Connell has been duly elected.

In the Twelfth District, composed of the county of Luzerne, Henry W. Palmer has been duly elected.

In the Thirteenth District, composed of the county of Schuylkill, George R. Patterson has been duly elected.

In the Fourteenth District, composed of the counties of Dauphin, Lebanon and Perry, Marlin E. Olmsted has been duly elected.

In the Fifteenth District, composed of the counties of Bradford, Susquehanna, Wyoming and Wayne, Charles F. Wright has been duly elected.

In the Sixteenth District, composed of the counties of Clinton, Lycoming, Potter and Tioga, Elias Deemer has been duly elected.

In the Seventeenth District, composed of the counties of Northumberland, Columbia, Montour and Sullivan, Rufus K. Polk has been duly elected.

In the Eighteenth District, composed of the counties of Franklin, Fulton, Mifflin, Huntingdon, Juniata, Snyder and Union, Thaddeus M. Mahon has been duly elected.

In the Nineteenth District, composed of the counties of Cumberland, Adams and York, Robert J. Lewis has been duly elected.

In the Twentieth District, composed of the counties of Cambria, Blair, Somerset and Bradford, Alvin Evans has been duly elected.

In the Twenty-first District, composed of the counties of Westmoreland, Armstrong, Indiana and Jefferson, Summers M. Jack has been duly elected.

In the Twenty-second District, composed of the city of Pittsburg and townships and boroughs lying between the Monongahela and Allegheny Rivers, except

the city of McKeesport and the boroughs and townships lying between the Youghiogheny and Monongahela rivers in the county of Allegheny, John Dalzell has been duly elected.

In the Twenty-third District, composed of the city of Allegheny and all the townships and boroughs lying north of the Allegheny and Ohio rivers in the county of Allegheny, William H. Graham has been duly elected.

In the Twenty-fourth District, composed of the counties of Fayette, Greene and Washington, and all boroughs and townships lying south of the Monongahela and Ohio rivers, and the boroughs and townships lying between the Youghiogheny and Monongahela rivers, and the city of McKeesport, in the county of Allegheny, Ernest F. Acheson has been duly elected.

In the Twenty-fifth District, composed of the counties of Beaver, Lawrence, Mercer and Butler, Joseph B. Showalter has been duly elected.

In the Twenty-sixth District, composed of the coun-

DOCUMENTS RELATING TO THE PROCLAMATION.



I IN THE NAME AND BY AUTHORITY OF
the Commonwealth of Pennsylvania, Execu-
tive Department.

I, William A. Stone, Governor of the Commonwealth of Pennsylvania, do hereby certify that by the provisions of the twenty-fifth section of an Act of the General Assembly of this Commonwealth, entitled "An act relating to the elections of this Commonwealth," approved the second day of July, A. D. 1839, it is made the duty of the Governor, when the returns of an election for Members of the House of Representatives of the United States shall be received by the Secretary of the Commonwealth, to declare by proclamation the names of the persons elected, and also transmit the returns so made to the House of Representatives of the United States.

I do further certify, That the attached returns of an election held on Tuesday, November 6, A. D. 1900, in the State-at-Large and in the twenty-

ties of Crawford and Erie, Arthur L. Bates has been duly elected.

In the Twenty-seventh District, composed of the counties of Venango, Warren, McKean and Cameron, Joseph C. Sibley has been duly elected.

In the Twenty eighth District, composed of the counties of Clarion, Forest, Elk, Clearfield and Centre, James K. P. Hall has been duly elected.

For the State at Large, Galusha A. Grow and Robert H. Foerderer have been duly elected.

Now Therefore, I, William A. Stone, Governor of said Commonwealth, do issue this, my Proclamation, hereby publishing and declaring that Henry H. Bingham, Robert Adams, Jr., Henry Burk, James Rankin Young, Edward deV. Morrell, Thomas S. Butler, Irving P. Wanger, Howard Mutchler, Henry D. Green, Marriott Brosius, William Connell, Henry W. Palmer, George R. Patterson, Marlin E. Olmsted, Charles F. Wright, Elias Deemer, Rufus K. Polk, Thaddeus M. Mahon, Robert J. Lewis, Alvin Evans, Summers M. Jack, John Dalzell, William H. Graham, Ernest F. Acheson, Joseph B. Showalter, Arthur L. Bates, Joseph C. Sibley, James K. P. Hall, Galusha A. Grow and Robert H. Foerderer have been returned as duly

eight Congressional Districts of Pennsylvania, composed of the Districts and counties hereinafter mentioned, for Members of the House of Representatives of the United States for the term of two years from the fourth day of March next, are full, true and correct copies of the original returns of said election as filed in the office of the Secretary of the Commonwealth, and by said returns of said election it appears that Galusha A. Grow, Robert H. Foerderer, Henry H. Bingham, Robert Adams, Jr., Henry Burk, James Rankin Young, Edward deV. Morrell, Thomas S. Butler, Irving P. Wanger, Howard Mutchler, Henry D. Green, Marriott Brosius, William Connell, Henry W. Palmer, George R. Patterson, Marlin E. Olmsted, Charles F. Wright, Elias Deemer, Rufus K. Polk, Thaddeus M. Mahon, Robert J. Lewis, Alvin Evans, Summers M. Jack, John Dalzell, William H. Graham, Ernest F. Acheson, Joseph B. Showalter, Arthur L. Bates, Joseph C. Sibley and James K. P. Hall, have been duly elected as Members of the House of Representatives of the United States for the State of Pennsylvania, for the term of two years from the fourth day of March next.

I do further certify, That as required by the Act of the General Assembly heretofore recited, I did on the nineteenth day of December, A. D. 1900, issue my proclamation declaring the election of the said Galusha A. Grow, Robert H. Foerderer, Henry H. Bingham, Robert Adams, Jr., Henry

elected in the several Districts and for the State-at-large before mentioned, as Representatives of the people of this State in the House of Representatives of the United States for the term of two years from the fourth day of March next.



Given under my hand and the Great Seal of the State at the City of Harrisburg this nineteenth day of December in the year of our Lord one thousand nine hundred and of the Commonwealth the 125th.

WILLIAM A. STONE.

By the Governor:

W. W. Griest,

Secretary of the Commonwealth.

Bark, James Rankin Young, Edward DeV. Merrill, Thomas F. Butler, Irving P. Wanger, Howard Muehlen, Henry D. Green, Marston Brooks, William Connell, Henry W. Palmer, George R. Patterson, Marlin E. Olmsted, Charles F. Wright, Elias Lester, Rufus K. Peck, Theodore M. Mahan, Robert J. Lewis, Alvin Evans, Summers M. Jack, John Russell, William H. Graham, Ernest F. Acheson, Joseph B. Showalter, Arthur L. Bates, Joseph C. Sibley and James W. P. Hall, a copy of which proclamation is hereto attached.



Given under my hand and the Great Seal of the State at the City of Harrisburg, this twentieth day of December, in the year of our Lord one thousand nine hundred, and of the Commonwealth the 125th.

WILLIAM A. STONE.

By the Governor:

Lewis E. Beitler,

Deputy Secretary of the Commonwealth.

FIRST DISTRICT.

	Repub- lican.	Demo- cratic.	Prohi- bition.
	Henry H. Bingham.	Michael Francis Doyle.	Isaac A. Ramsey.
Philadelphia:			
First ward,	4,310	2,076	34
Second ward,	2,748	1,063	4
Seventh ward,	4,593	715	14
Twenty-sixth ward,	5,085	2,387	43
Thirtieth ward,	4,036	1,514	21
Thirty-sixth ward,	4,644	2,162	31
Thirty-ninth ward,	4,557	1,848	42
Total,	29,973	11,765	189

Scattering vote.—Jas. Rankin Young, 2; Thos. Fitzpatrick, 1; W. O. Cotton, 1.

SECOND DISTRICT.

	Repub- lican.	Demo- cratic.
	Robert Adams, Jr.	Wm. E. Hooper.
Philadelphia:		
Eighth ward,	2,946	386
Ninth ward,	1,198	263
Tenth ward,	2,588	730
Thirteenth ward,	2,914	666
Fourteenth ward,	2,877	972
Twentieth ward,	6,134	1,981
Total,	19,657	4,998

Scattering vote.—John Cadwallar, 1; J. R. Young, 1; R. H. Hinckey, 1.

THIRD DISTRICT.

	Repub- lican.	Democ- ratic.	Municipal League.	Prohibi- tion.	Social- ist.	Liberal Sun. L.
	Henry Burk.	William McAleer.	William McAleer.	E. M. Marsh.	Jeremiah C. Frost.	Moses Stearn.
Philadelphia:						
Third ward,	1,650	943	80	5	11	2
Fourth ward,	1,572	1,239	33	2	6	2
Fifth ward,	1,590	1,035	253	10	3	2
Sixth ward,	632	1,156	65	1	6
Eleventh ward, ..	1,272	568	24	3	5	1
Twelfth ward,	1,286	1,127	64	5	32	2
Sixteenth ward, ..	1,550	1,216	112	2	16	4
Seventeenth ward,	1,573	1,745	149	5	9	1
Total,	11,095	9,059	780	33	92	14

FOURTH DISTRICT.

	Repub- lican.	Democ- ratic.	Prohibi- tion.
	James Rankin Young.	Peter J. Hughes.	Lewis L. Eavenson.
Philadelphia:			
Fifteenth ward,	5,941	2,606	67
Twenty-first ward,	4,714	1,322	75
Twenty-fourth ward,	6,694	2,493	138
Twenty-seventh ward,	3,923	823	39
Twenty-eighth ward,	5,700	1,551	92
Twenty-ninth ward,	7,739	2,232	63
Thirty-second ward,	6,311	1,300	91
Thirty-fourth ward,	4,812	2,071	90
Thirty-seventh ward,	3,273	1,061	19
Thirty-eighth ward,	4,090	1,233	51
Fortieth ward,	2,442	633	28
Total,	55,648	17,330	733

Scattering vote.—John Reyburn, 2; D. M. McNamee, 1; A. Dietz, 1.

FIFTH DISTRICT.

	Repub- lican.	Democ- ratic.	Prohi- bition.
	Edward deV. Morrell.	Samuel R. Carter.	L. A. Benson.
Philadelphia:			
Eighteenth ward,	4,184	1,447	50
Nineteenth ward,	7,662	2,390	72
Twenty-second ward,	8,288	1,880	127
Twenty-third ward,	3,885	920	84
Twenty-fifth ward,	5,964	2,495	45
Thirty-first ward,	5,001	1,388	48
Thirty-third ward,	7,346	2,620	109
Thirty-fifth ward,	1,286	385	12
Forty-first ward,	1,473	373	21
Total,	45,089	13,898	563

Scattering vote.—R. Bruce Burns, 12; J. R. Young, 2; D. L. Monroe, 2; John R. Root, 2; John M. Slayton, 1; E. Kuppinger, 1.

*FIFTH DISTRICT.

	Repub- lican.
	Edward deV. Morrell.
Philadelphia:	
Eighteenth ward,	3,182
Nineteenth ward,	5,899
Twenty-second ward,	5,962
Twenty-third ward,	3,020
Twenty-fifth ward,	4,819
Thirty-first ward,	3,893
Thirty-third ward,	5,534
Thirty-fifth ward,	1,194
Forty-first ward,	1,281
Total,	34,789

*(To supply vacancy.)

SIXTH DISTRICT.

	Repub- lican.	Demo- cratic.	Prohi- bition.
	Thomas S. Butler.	Nathaniel M. Ellis.	J. Newton Huston.
Chester county,	12,759	5,924	641
Delaware county,	13,620	4,174	852
Total,	26,379	10,098	993

Scattering vote.—Morris E. Shields, 101.

SEVENTH DISTRICT.

	Repub- lican.	Demo- cratic.	Prohi- bition.
	Irving P. Wanger.	Christopher Van Arts- dalen.	John McKinlay.
Bucks county,	9,100	7,300	184
Montgomery county,	16,322	11,152	336
Total,	25,422	18,542	522

Scattering vote.—Wm. H. Maxwell, 6; W. H. Maxwell, 6; Jeremiah Larzelere, 1; L. D. Gerwig, 1; B. W. Dambly, 3; Robert K. Tomlinson, 1.

EIGHTH DISTRICT.

	Repub- lican.	Demo- cratic.	Prohi- bition.
	Russell C. Stewart.	Howard Mutchler.	Edward E. Dixon.
Northampton county,	10,189	10,926	429
Monroe county,	1,896	2,569	212
Pike county,	688	1,182	7
Carbon county,	4,480	3,771	103
Total,	16,753	18,448	751

Scattering vote.—P. C. Gaffney, 1.

NINTH DISTRICT.

	Repub- lican.	Demo- cratic.	Social- ist.
	William Kerper Stevens.	Henry D. Green.	Isaac P. Merkel.
Berks county,	13,491	18,836	255
Lehigh county,	9,287	10,324	10
Total,	22,758	29,160	265

TENTH DISTRICT.

	Repub- lican.	Demo- cratic.	Prohi- bition.
	Marriott Brosius.	Louis N. Spencer.	Daniel Von Neida.
Lancaster county,	23,143	8,502	576

ELEVENTH DISTRICT.

	Repub- lican.	Demo- cratic.	Prohi- bition.	Social- ist Labor.	Inde- pendent Citizen.
	William Connell.	Michael F. Conry.	William H. Richmond.	John Szlupas.	Frank M. Spencer.
Lackawanna county,	15,536	13,698	753	99	1,392

TWELFTH DISTRICT.

	Repub- lican.	Prohi- bition.	Social- ist.	Anti- Trust.	Working- men's.
	Henry W. Palmer.	Samuel H. Houser.	John H. Harris.	S. W. Davenport.	Henry C. Purnell.
Luzerne county,	18,931	779	367	13,698	1,063

THIRTEENTH DISTRICT.

	Repub- lican.	Prohi- bition.	Demo- cratic.
	George R. Patterson.	James W. Ryan.	John P. Schwenk.
Schuykill county,	15,519	13,895	222

FOURTEENTH DISTRICT.

	Repub- lican.	Demo- cratic.	Prohi- bition.
	Marlin E. Olmsted.	Benjamin L. Forster.	Edwin H. Molly.
Lebanon county,	6,168	298	598
Dauphin county,	14,181	566	777
Perry county,	3,372	471	76
Total,	23,731	1,335	1,451

Scattering vote.—H. E. Rendendall, 1; John Jones, 1; James Lowe, 1; Robert Forster, 4; Alfred Sanderson, 3; H. O. Bodenhorn, 1; Edward Mat-
tis, 1.

FIFTEENTH DISTRICT.

	Repub- lican.	Demo- cratic.	Prohi- bition.	People's.
	Charles F. Wright.	William B. Packard.	Leon Judson Reynolds.	S. F. Lane.
Bradford county,	8,438	4,223	526	4
Susquehanna county,	5,001	3,381	466	23
Wayne county,	2,608	2,928	409	17
Wyoming county,	2,214	1,859	117
Total,	18,261	12,396	1,518	44

SIXTEENTH DISTRICT.

	Repub- lican.	Demo- cratic.	Prohi- bition.
	Elias Deemer.	Otto G. Kaupp.	William W. Sholl.
Tioga county,	7,027	2,790	329
Potter county,	2,891	2,208	269
Lycoming county,	7,117	8,314	656
Clinton county,	2,809	3,197	109
Total,	19,844	16,509	1,363

SEVENTEENTH DISTRICT.

	Repub- lican.	Demo- cratic.	Prohi- bition.
	Clarence F. Huth.	Rufus K. Polk.	Samuel W. Murray.
Northumberland county,	8,201	7,862	339
Columbia county,	2,810	5,090	407
Montour county,	901	2,191	41
Sullivan county,	1,159	1,472	86
Total,	12,891	16,623	923

EIGHTEENTH DISTRICT.

	Repub- lican.	Demo- cratic.
	Thaddeus M. Mahon.	James G. Heading.
Franklin county,	6,215	1,746
Fulton county,	1,021	1,209
Mifflin county,	2,472	1,960
Huntingdon county,	4,460	2,104
Juniata county,	1,661	1,720
Snyder county,	2,441	1,340
Union county,	2,486	1,385
Total,	20,756	14,464

NINETEENTH DISTRICT.

	Repub- lican.	Demo- cratic.	Prohi- bition.
	Robert J. Lewis.	Harry N. Gitt.	A. Foster Mullin.
Cumberland county,	5,503	5,315	300
Adams county,	3,961	3,540	91
York county,	12,802	12,425	299
Total,	22,266	21,280	690

TWENTIETH DISTRICT.

	Republican.	Democratic.	Prohibition.	Socialist Labor.
	Alvin Evans.	James M. Walters.	John Clark.	Walter Rowley.
Cambridia county,	10,209	7,291	245	52
Blair county,	9,535	4,541	372	62
Somerset county,	6,365	2,148	242	5
Bedford county,	4,668	3,470	67	1
Total,	30,777	17,450	926	120

TWENTY-FIRST DISTRICT.

	Republican.	Democratic.	Prohibition.
	Summers M. Jack.	Curtis H. Gregg.	Solomon Shaffer.
Westmoreland county,	15,286	11,121	579
Armstrong county,	6,166	3,252
Indiana county,	5,684	1,716	272
Jefferson county,	5,773	3,067	484
Total,	32,909	19,156	1,335

TWENTY-SECOND DISTRICT.

	Repub- lican.	Democ- ratic.	Prohi- bition.	Social- ist Labor.
	John Dalzell.	John F. Miller.	J. T. McCrory.	Charles Rupp.
Allegheny county (part),	36,409	14,343	807	645

TWENTY-THIRD DISTRICT.

	Repub- lican.	Democ- ratic.	Prohi- bition.	Social- ist Labor.
	William H. Graham.	John Huckenstine.	O. L. Miller.	Wm. E. Hunt.
Allegheny county (part),	19,957	6,142	440	216

TWENTY-FOURTH DISTRICT.

	Repub- lican.	Demo- cratic.	Prohi- bition.	Social- ist Labor.
	Ernest F. Acheson.	Wooda N. Carr.	Benjamin A. Bubbett.	Wm. H. Thomas.
Fayette county,	9,518	7,635	278	24
Greene county,	2,399	3,674	99	1
Washington county,	9,785	6,041	539	18
Allegheny county (part),	14,237	6,218	445	292
Total,	35,939	23,568	1,361	335

TWENTY-FIFTH DISTRICT.

	Repub- lican.	Demo- cratic.
	Joseph B. Showalter.	M. L. Lockwood.
Beaver county,	6,491	4,662
Lawrence county,	5,473	4,026
Mercer county,	6,569	5,707
Butler county,	5,939	5,246
Total,	24,472	19,641

TWENTY-SIXTH DISTRICT.

	Repub- lican.	Demo- cratic.	Prohi- bition.	Social- ist Labor.	Social- ist.
	Arthur L. Bates.	Athelston Gaston.	Isaac Monderall.	A. Black.	Charles Heydrick.
Crawford county,	7,438	7,390	490	3	5
Erie county,	11,285	7,528	474	112	209
Total,	18,723	14,918	964	115	214

TWENTY-SEVENTH DISTRICT.

	Repub- lican.	Demo- cratic.	Prohi- bition.	Lincoln.
	Joseph C. Sibley.	Lewis Emery, Jr.	H. B. Milward.	Lewis Emery, Jr.
Venango county,	6,014	4,202	767
Warren county,	4,812	3,374	329
McKean county,	4,242	4,314	264	1,305
Cameron county,	736	700	16	11
Total,	15,804	12,590	1,376	1,316

Scattering vote.—Cameron county, H. C. Jacobson, 1; J. A. Dendt, 1

TWENTY-EIGHTH DISTRICT.

	Repub- lican.	Demo- cratic.	Prohi- bition.	Social- ist Labor.
	A. A. Clearwater.	J. K. P. Hall.	Lucien Bird.	Joash Critchley.
Clarion county,	2,930	3,498
Forest county,	1,242	724	80
Elk county,	2,406	3,990	59	8
Clearfield county,	7,510	6,399	555	106
Centre county,	4,424	4,521	171	1
Total,	18,511	19,132	865	115

Proclamation of Presidential Electors, 1900.



I N THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania, Executive Department.

A PROCLAMATION.

WHEREAS, IN AND BY AN ACT OF THE General Assembly, entitled "An Act relating to the elections of this Commonwealth," approved the second day of July, A. D. 1839, it is made the duty of the Secretary of the Commonwealth, on receiving the returns of the election of Electors of President and Vice President of the United States, to lay them before the Governor, who shall enumerate and ascertain the number of votes cast for each person voted for, and shall thereupon declare by proclamation the names of the persons duly elected.

And Whereas, It appears from the returns so laid before me by the Secretary of the Commonwealth, of the election held on Tuesday the sixth day of November, A. D. 1900, that William H. Sayen, Clarence Wolf, Frank H. Buhl, Algernon B. Roberts, Edwin S. Stuart, William W. Gibbs, George F. Hoffman, George C. Blabon, Daniel R. Greenwood, William M. Hayes, Charles N. Cressman, Robert H. Sayre, Russell W. Davenport, John Franklin Keller, James Moir, William J. Harvey, Robert Allison, Jacob L. Hauer, Richard H. Ely, George Weymouth, Cortez Hick Jennings, James G. Thompson, J. Frank Small, Henry A. Gripp, Morris J. Lewis, Robert Pitcairn, David Edgar Park, Thomas S. Crago, George W. Johnson, William Hardwick, Harold H. Clayson and Harry R. Wilson, received the greatest number of votes of the persons voted for as Electors of President and Vice President of the United States.

Now Therefore, I William A. Stone, Governor of said Commonwealth, in obedience to the requirements of the said act of the General Assembly, do issue this my proclamation, hereby publishing and declaring that the said William H. Sayen, Clarence Wolf, Frank H. Buhl, Algernon B. Roberts, Edwin S. Stuart, William W. Gibbs, George F. Hoffman, George C. Blabon, Daniel R. Greenwood, William M. Hayes, Charles N. Cressman, Robert H. Sayre, Russell W. Davenport, John Franklin Keller, James Moir, William J. Harvey, Robert Allison, Jacob L. Hauer, Richard H. Ely, George Weymouth, Cortez Hicks Jennings, James G. Thompson, J. Frank Small, Henry A. Gripp, Morris J. Lewis, Robert Pitcairn, David Edgar Park, Thomas S. Crago, George W. Johnson, William Hardwick, Harold H. Clayson and Harry R. Wilson are the persons duly elected Electors of President and Vice President of the United States, to meet at the Seat of Government (being in the City of Harrisburg) on the second Monday of January, A. D. 1901, being the fourteenth day of said month, agreeably to the laws of this Commonwealth and of the United States, and then and there to vote for President and Vice President of the United States and to perform such other duties as devolve upon them under the Constitution and laws of the United States.



Given under my hand and the Great seal of the State at the City of Harrisburg this twenty-sixth day of November in the year of our Lord one thousand nine hundred and of the Commonwealth the 125th.

WILLIAM A. STONE.

By the Governor:

W. W. Griest,

Secretary of the Commonwealth.

Biennial Message to the Assembly, 1901.

Executive Department,
Commonwealth of Pennsylvania,
Office of the Governor,
Harrisburg, Pa., January 1, 1901.

Gentlemen:—

IN COMPLIANCE WITH LAW, I HAVE THE honor to submit at the beginning of your labors information of the state of the Commonwealth, and to lay before you recommendations for your consideration.

The two years just closed have perhaps been the most prosperous two years in succession that the State has ever experienced. Our people have prospered individually, and that prosperity has resulted in a large increase in the revenues of the State. Your attention is called to the reports from the different departments, which will be published and submitted for your inspection. It is not my purpose in this message to repeat at length extracts from these various reports, nor to emphasize the recommendations made by the various State officials. They are all entitled to your careful reading and thoughtful consideration. I submit only such information and recommendations as have impressed themselves upon me as being most important for your early consideration.

Treasury Department.

On the first of January, 1899, there was a deficit in the State Treasury of about \$3,000,000. I am happy to state that owing to the unexpected increase in the revenues this deficit has been entirely liquidated, there is sufficient money to pay all unpaid appropriations as they mature, and there will be on the first of January, 1901, a balance, over and above the amount necessary to liquidate all demands, of about \$1,500,000.

The report of the State Treasurer, which will be shortly submitted to you, will show the total receipts of the Treasury Department from all sources for the fiscal year ending November 30, 1900, to be \$17,494,211.78. Deduct the interest received on the securities in the sinking fund and the securities maturing and paid into the sinking fund and you have a balance of receipts available for general disbursement of \$17,192,817.91. Taking out the \$344,371.50 transferred to the sinking fund, there was a balance of \$16,848,443.41 available for general disbursement. From this amount is deducted three-fourths of the tax on personal property returned to the counties, tax on premiums on foreign fire insurance, personal fees, annuities for right of way, oleomargarine licenses returned to the Agricultural Department, fertilizer licenses returned to the Agricultural Department, oleomargarine, impure food and other fines returned to the Agricultural Department, and fines for violation of the game laws returned to the Game Commission, amounting in the aggregate to \$2,558,613.26, which leaves a balance available for the payment of appropriations of \$14,289,820.15, which is the amount of revenue for the past fiscal year available to meet appropriations made by the Legislature, and from which, together with the revenue for the year 1899, the appropriations made by the last Legislature have been paid and the deficit liquidated, resulting in the balance aforesaid.

If you shall appropriate the million dollars to the public schools eliminated from the appropriation made by the last Legislature, there will then be a balance of \$500,000.

The estimate of revenues made by the proper departments for the coming year available for appropriations will be about \$13,200,000, which is much less than that which has been received during the past fiscal year. There is no reason to expect that the

revenue received by the State during the two years ensuing will equal the revenue received by the State during the past two years. Many large corporations have been chartered resulting in the payment of large bonus to the Commonwealth. Unusual activity in the Auditor General's and Attorney General's Departments resulting in the collection of back taxes, will exclude all reasonable presumption of revenue beyond the estimate made by the Auditor General and State Treasurer. If the Legislature shall appropriate for the coming two years \$11,000,000 for the common schools, as I presume it will, and if it shall make appropriations for the completion of the Capitol, as in my judgment it ought to do, it will not be safe to increase the balance of the appropriations beyond those made by the last Legislature, if the credit of the State is to be preserved, and we are to avoid another deficit in the Treasury. My attention has been called to various charitable institutions and departments that will demand increased appropriations over and above those made by the last Legislature. While there is much merit in these demands, and there is scarcely any one of them but what should have more money than it receives, yet if the State shall preserve its financial credit and be able to meet the appropriations that are made, there should be no material increase in appropriations to the various departments and institutions.

The estimate for the coming year will, if anything, be more than the amount that will be received for the next succeeding year, and as the appropriations are made for two years, the amount available for appropriations for the two coming fiscal years should not be considered as amounting to more than \$25,500,000; and as there is no power to borrow money, the Constitution expressly prohibiting it, all these appropriations must be paid from the current revenue, including what the Legislature may appropriate for the completion of the new Capitol Building.

Under the first section of the Act of Assembly, approved March 24, 1891, and its supplement, approved May 29, 1891, providing for the annual assignment to the Sinking Fund of certain moneys out of the General Fund, there is set apart the sum of \$100,000 annually for the liquidation of the Funded Debt of the State by the creation of a Sinking Fund to pay obligations not yet matured. The Sinking Fund now amounts to \$6,021,402.12, while the Public Debt on December 1, 1900, amounted to \$6,815,299.02, leaving a balance of Funded State Debt of only \$783,896.90.

Under the said Act of Assembly and its supplement, the State Treasurer has set apart each year \$100,000 for the liquidation of the State Funded Debt. In addition to that the interest accruing on the obligations in the Sinking Fund is also used in liquidation of the State Debt, while the interest accruing on the State Funded Debt is paid out of the General Fund. Inasmuch as the Sinking Fund is within \$783,896.90 of the State Funded Debt, and inasmuch as this debt will not mature until 1912, it will be perfectly safe for this Legislature to repeal the first section of said Act of Assembly and its Supplement, requiring the transfer of \$100,000 annually to the Sinking Fund. As the interest on the State Debt is paid out of the General Fund, the interest received on obligations in the Sinking Fund will be quite a sufficient addition to the Sinking Fund and result in its becoming equal to the State Funded Debt by the time that debt matures. This would add \$100,000 annually to the revenues available for the payment of appropriations.

I, therefore, recommend to this Legislature that it pass a bill repealing the first section of said Act of Assembly and its supplement.

Common Schools.

When the Legislature convened in January, 1899, there was deficit in the Treasury of about three mil-

lions of dollars. The revenue for the coming two years estimated by the Auditor General and State Treasurer was entirely appropriated by the Legislature. I felt constrained to follow the precedent set by my predecessors and reduce the appropriations sufficient to permit the reduction of a portion of the deficit during the coming two years.

The Legislature appropriated \$11,000,000 for the support of the common schools for the two years beginning June 1, 1899. Anxious only for the preservation of the credit of the State, and to enable the payment in part of the deficit then existing, I found myself unable to approve the whole of this item and withheld my approval from one million dollars of the eleven millions appropriated for the support of the public schools. But an unusual and unexpected increase in the revenues of the State during the past two years has enabled the State Treasurer to liquidate the deficit which existed on the first of January, 1899, and I am assured that there is a balance in the State Treasury of available cash over and above all liabilities which will justify the payment of the one million of dollars withheld.

I, therefore, respectfully recommend the passage of a bill appropriating one million of dollars to the common schools of the State to be distributed proportionately under existing laws for the two years ending June 1, 1901. Inasmuch as the appropriation to the common schools in 1899 was in a lump sum for the two years ending June 1, 1901, and payments of money of said appropriation have been made and are being made by instalments, this appropriation will not work any inconvenience, and the money can be paid in the same manner that it would have been paid if the one million of dollars had not been eliminated from the appropriation in 1899.

Labor Disputes.

On the twenty-first of September last a very serious affray occurred in Shenandoah, Schuylkill county, growing out of an extensive strike then existing in the anthracite coal fields. Two thousand or more men were reported to be marching the streets of Shenandoah, firing revolvers and resisting all attempts of the civil authorities to have them disperse. Two persons were killed and seventeen wounded by gun or revolver shots on the afternoon and evening of the twenty-first. The sheriff of Schuylkill county asserted these facts and his inability to suppress the disturbance, and asked that a sufficient number of the National Guard be sent there for the protection of the public peace. This call of the sheriff was endorsed by a resolution of the Councils of Shenandoah and the personal requests of a large number of prominent citizens of that place. It reached me about 7 or 8 o'clock on the evening of September 21. I immediately summoned Major General Miller, Commander of the Division, Brigadier General Gobin, Commander of the Third Brigade and Adjutant General Stewart for a conference, which was held between 11 and 12 o'clock on the evening of September 21. At 12.30 o'clock on the morning of September 22 the order was issued for the movement of the Fourth, Eighth and Twelfth Regiments, Battery C, and the Governor's Troop to Shenandoah. About 7 o'clock that morning, six hundred men with their officers were patrolling the streets of Shenandoah, and by noon of that day nearly two thousand troops were there. No further serious disturbance occurred. The people were civil to the officers and soldiers who remained in that vicinity until all necessity for their presence was over. By the 31st of October the strike was adjusted and the last of the National Guard withdrawn.

The rapid mobilization of the State troops was highly commended by military experts and the judgment

and discretion shown by General Gobin and his officers, and the good behavior and soldierly bearing of the men was so satisfactory as not only to win the approval of the people of the State, but the praise and commendation of many persons in military circles outside of the State. It demonstrated the fact that the National Guard of Pennsylvania is a well disciplined, capable and efficient military body. It can be relied upon for prompt action and steady adherence to duty under any and all circumstances. It reflects the care and discipline exercised by the officers of the National Guard and the zeal and patriotism of both officers and men. No department of the State is more efficient, in better condition and more reliable to day than the National Guard.

Without showing any partiality or discussing the merits of the dispute between employer and employe, they felt that their presence in the anthracite coal fields was simply for the purpose of protecting life and property, preserving order and maintaining the public peace. No serious conflict arose between any portion of the National Guard or any individual of the National Guard and any of the citizens of Schuylkill County during the time that they were in that county. No shots were fired and the National Guard left a good impression among the citizens, the miners and everybody with whom they came in contact.

When we come to consider that this industrial dispute occurred in the heat of a presidential campaign and that more men were out on strike than ever in our State before, too much praise cannot be given to the officers and men who took part in the defence of public order.

Something over \$115,000 was expended in pay and subsistence to those officers and members of the Guard who were on duty during this disturbance. The exact amount cannot at this time be determined.

Experience with this strike has led me to consider the question of arbitration of labor disputes. The difficulty with our present arbitration laws and those heretofore contemplated is that they are not compulsory. They are purely voluntary. While a compulsory arbitration law would be ineffective, as we could not directly compel employers and employees to submit their disputes to arbitration, yet I am hopeful that a law could be framed that would practically compel both parties to voluntarily submit their disputes to arbitrators and abide by the result. Police interference by the State troops to protect life and property and preserve order is justified by law and by necessity wherever violence exists and local authorities have failed.

The office of the State authorities is an impartial one. The State troops are sent to the scene of disturbance for the sole purpose of protecting life and property and preserving order when the county authorities are unable to cope with the difficulty. The owner of a mine claims the right to stop work at any time. The miner claims the right to stop work at any time. If capital can shut down labor can shut down. If capital can strike, labor can strike. No greater right is claimed for one than for the other and no right can be withheld from one that is conceded to the other. But neither has the right to resort to public violence. No one, under any circumstances, has a right to commit a breach of the peace. Experience in the past justifies the passage of such legislation as will preserve public order in the too frequent troubles that grow out of labor disputes. There is no way by which trouble and disorder can be averted so well and so speedily as by arbitration and settlement of the differences in dispute. A law that would authorize the use of State troops in the protection of those who wish to work, and in the preservation of public order where a strike

exists if within a given time arbitrators were not selected by the employes; and close the mine, mill, factory or shop if within the same length of time an equal number of arbitrators were not selected by the employer, ought to be sustained by the courts as a police regulation for the benefit of society. While each act is arbitrary, it is not more so than public interference with private rights in many other cases for the good of the public, and experience has taught us that each of these steps may become necessary, and generally do become necessary where labor disputes lead to violence. The court or president judge of the county could then, at the request of either party, or any of the selected arbitrators, appoint one or three careful, able, impartial men to sit with the arbitrators selected, when upon hearing both sides, a decision could be rendered that would be at once binding upon both parties and work would at once be resumed.

I respectfully urge upon the Legislature consideration of these suggestions.

Capitol Building.

The destruction by fire of the main Capitol Building on February 2, 1897, was followed by the passage of a bill approved April 14, 1897, appropriating the sum of \$550,000 for the construction of a Capitol Building under the supervision of a commission composed of the Board of Public Grounds and Buildings, the President pro tempore of the Senate and the Speaker of the House of Representatives. Under this legislation the present structure was built. Without considering the disputes in said commission, and without considering the merits of said disputes, the result is a structure which is evidently unfinished and not suitable for the purposes for which it is intended. I am advised, however, that the present structure is of sufficient stable foundation to warrant a further appropriation for its

completion and, owing to the increased cost of materials and labor that entered into it, the moneys expended in it cannot now be regarded as a wasteful expenditure. The problem now to be dealt with is the completion of this structure,—either in accordance with the plan in the minds of those who constructed it, or by some other plan that shall be adopted by the Legislature.

Pennsylvania should have a Capitol Building in keeping with her wealth, population and dignity as a State. No unnecessary or extravagant expenditure of moneys should be contemplated in its completion, but sufficient moneys should be appropriated to insure a Capitol Building that will not be a disgrace to the State and that will not justify unfavorable criticism in comparison with the Capitol Buildings of other States.

This Legislature should, in my judgment, pass an act providing for the completion of the Capitol Building and appropriating sufficient money to warrant a respectable and sufficient structure. Under the Constitution of the State, there is no provision for borrowing money for the purpose and the moneys expended in its completion must be paid out of the general revenues of the State. Care must be had then with reference to the amount of revenues that can be diverted from the general necessary expenditures. Owing to the increasing demands of necessary charitable institutions, and the uncertainty that always surrounds anticipated revenue, I do not think it would be safe to take out of the revenues for the next two years sufficient moneys to complete this building, and if it cannot be completed in time for the meeting of the next Legislature in January, 1903, its completion may as well be postponed until the meeting of the Legislature in January, 1905.

I, therefore, respectfully recommend the passage of a law appropriating annually so much of the general

revenues of the State during the next four years as the Legislature shall deem necessary for the proper completion of this building and providing that it be finished by the first Tuesday in January, 1905.

Agricultural Department.

Your attention is respectfully called to the report of the Secretary of Agriculture, in which various recommendations are made that are entitled to careful consideration.

This Department has grown extensively and many benefits result to the farmers of our State by the enforcement of the laws under its supervision.

Dairy and Food Division.

In this division attention has principally centered in the enforcement of the law passed by the last Legislature, known as the Oleomargarine Law, through the persistent attempt of certain persons and certain newspapers to misrepresent facts for political effect. It has been repeatedly and persistently charged that the Agricultural Department has not enforced the law and has not attempted to suppress the oleomargarine traffic, while the records show that the criminal courts are overcrowded with cases brought by the agents of the Dairy and Food Commissioner.

The act known as the Oleomargarine Law went into effect on May 5th, 1899. Section 4, known as the color clause imposes a penalty of one hundred dollars, to be recovered by action of debt, or by prosecution criminally for selling oleomargarine colored like butter. In case of a criminal conviction, the fine is not less than one hundred dollars, and not more than five hundred dollars for the first offense, and in case of a subsequent conviction the penalty is a fine of not less than one hundred and fifty dollars, nor more than five hundred dollars, or by imprisonment in the county jail for not

less than ten days, nor more than sixty days, or by both fine and imprisonment, at the discretion of the court.

Suits were promptly brought before aldermen and justices of the peace for violation of this law and as promptly appealed to the courts by the defendants, who were advised by competent attorneys that the law would not be sustained in the higher courts. It was not until April 30, 1900, that the law was finally sustained by the Superior Court of Pennsylvania, although every possible effort had been made by the attorneys of the State to push the consideration and decision of these cases.

Since the decision of the Superior Court, April 30th, 1900, up to December 15th, 1900, nine hundred and one criminal prosecutions have been brought by the Dairy and Food Commissioner against oleomargarine dealers in the various counties of the State. Eighty-seven of these cases have been terminated and eight hundred and fourteen are still pending and undisposed of.

The agents and attorneys representing the Dairy and Food Commissioner have made every effort to obtain trial of these cases. They must await the disposition of jail cases and the prior disposal of other cases deemed more important by the District Attorneys who control the order of trial of cases in the criminal courts.

There are five hundred and ninety-nine cases awaiting trial in the court of quarter sessions of Allegheny county, three in Beaver, eight in Blair, twelve in Cambria, three in Clearfield, one in Dauphin, two in Delaware, four in Erie, fifteen in Luzerne, six in Lawrence, one in Mercer, one in Montgomery, two in Northumberland, one hundred and six in Philadelphia, three in Schuylkill, one in Venango, and forty-seven in Westmoreland.

Another difficulty in bringing these cases to trial is

the pendency of the McCann case, which has been appealed from the Superior Court to the Supreme Court of the State to test the constitutionality of the color clause. In Allegheny, Cambria and Westmoreland counties, the courts refuse to try any further oleomargarine cases until the McCann case is decided. In Westmoreland county, we have a number of cases where the defendants have pleaded guilty, but the courts refuse to sentence until a decision on the color clause is handed down in the McCann case.

A number of criminal prosecutions are pending against the same individual in many instances. I am satisfied that the penalty is insufficient to properly enforce the law. Instead of a fine of one hundred dollars for the first offense, it should not be less than five hundred dollars, and there should also be imprisonment of at least sixty days. For the second offense, the fine and imprisonment should be increased, and I recommend that the law be amended in this particular.

My attention has also been called by the Secretary of Agriculture to the New York law, which authorizes the granting of injunctions by the courts restraining and enjoining persons from selling oleomargarine colored like butter. This authority would be a great aid to the Department and our law ought to be amended giving like authority in this respect.

It may as well be understood that the oleomargarine traffic in Pennsylvania is deep seated and the dealers determined and daring men, some of whom openly defy the law and when arrested promptly give bail for appearance at court and continue selling, and although in several instances many prosecutions are pending against the same individual, it does not prevent him from continuing to violate the law. If this traffic is to be suppressed, drastic measures must be added to the law and penalties imposed which will be adequate to the occasion. It cannot be suppressed by resolutions and unfounded accusations against State officers.

The Secretary of Agriculture, the Dairy and Food Commissioner and the agents and attorneys employed are doing everything they can to suppress the traffic and are succeeding as well as could be expected under all the circumstances.

I am much gratified at prospects of the early passage in Congress of the Grout Bill. If this bill becomes a law, it will greatly aid in the suppression of the oleo-margarine traffic.

Forestry Reservations.

The act approved March 13, 1895, establishing a Department of Agriculture, directs the Secretary of Agriculture to obtain and publish information respecting the extent and condition of forest lands in this State; to make and carry out rules and regulations for the enforcement of all laws designated to protect forests from fires.

The act approved March 30, 1897, authorized the purchase of unseated lands for the non-payment of taxes for the purpose of creating a State Forest Reservation. Under this Act, the Commissioner of Forestry was required to purchase lands at treasurers' sales for the non-payment of taxes. The Legislature of 1897 also passed an Act approved May 25, 1897, to secure State Forestry Reservations, which authorized the appointment of a Commission composed of the Commissioner of Forestry, the Chairman of the State Board of Health, the Deputy Secretary of Internal Affairs and two other persons. This Commission was authorized to create Forestry Reservations in continuous areas, as far as practicable, by the purchase of unseated lands. The Legislature of 1899 also by Act approved April 28, 1899, amended the Act of March 30, 1897, providing that the Commissioner of Forestry shall have power to purchase unseated lands other than such as are advertised for sale for the non-pay-

ment of taxes, upon such terms and conditions as may be agreed upon with the owners of such land; provided that the amount paid for any tract of land should not exceed the sum of \$5.00 per acre, and provided that the purchase should be approved by the Governor and the Board of Property, consisting of the Attorney General, the Secretary of the Commonwealth and the Secretary of Internal Affairs.

Under the various acts of Assembly, the State has acquired considerable bodies of land in Elk, Lycoming, Clearfield, Clinton, Centre and Pike counties, amounting in the aggregate to this date to 97,962 acres and 20 perches. The purchase of various other tracts has been authorized, which, if the titles prove satisfactory, will increase the acreage owned by the State to something over 113,000 acres. The cost to the State of the 97,962 acres and 20 perches already acquired is at an average of about \$1.35 per acre. Some of this land has increased in value since its purchase by the State and could now be sold at an advance.

The purpose in acquiring these lands is to preserve and increase our forests. Forests exert a great influence on the streams and climate and tend to preserve the health of the community. Their rehabilitation in Pennsylvania if only to part of their former extent will be productive of the greatest good. It is the purpose of the present administration to purchase more lands in various sections of the State under the several acts of Assembly wherever they can be purchased cheaply. The investment is a good one and should the State acquire a large acreage of wild lands, it cannot under any circumstances be a mistake. The land will increase in value through the rapid growth of timber and, while there will be destruction in part by fire, yet the average value will largely increase. These public lands will become the people's parks, open to them at all times for hunting, fishing and camping,

and the people in turn will become the guardians and protectors of the forests. Already they are quite popular in the vicinities where purchases have been made.

There should be additional legislation relating to the Forest Reservations. As the purchase of large tracts in any one county withdraws those lands from taxation, it is thought that separate tracts scattered about over the State in various places would be productive of better results. Too large bodies of land should not be purchased in one county to the exclusion of others. If the purchases were distributed more evenly over those counties where forest lands still exist, the reduction of local taxation by such purchases would be trivial.

In a very few years, the State will receive a large revenue from the sale of matured timber and timber that has been destroyed by insects, fire and wind storm. So far the deeds have been made to the Commonwealth of Pennsylvania, but in case it became desirable to sell timber that had been destroyed by fire or wind storm, the power, under the present laws, is deficient. There are practically three separate bodies or departments that have supervision over these forest lands--the Agricultural Department, the Board of Property, and the Forestry Commission. All these bodies give occasion for conflict, although fortunately none has yet occurred.

I would respectfully recommend the passage of an Act of Assembly that would place the purchase and supervision of these lands under one management; and authorize that management to sell mature timber and timber destroyed by fire, wind storm and insects; to lease coal and oil rights on royalty and pay the proceeds into the Treasury of the Commonwealth; and that more stringent laws should be passed for the protection of these forests from fire. The manage-

ment should also have the power, under certain circumstances, to appoint forest wardens with limited compensation; and authority should be given for the purchase of lands under a limited price wherever in the judgment of the management it would be best for forest reservation so to do. All taxation, local and for all other purposes, should cease upon these lands the moment the title vests in the State.

Public Grounds and Buildings.

The expenditures by the Board of Public Grounds and Buildings, composed of the Governor, Auditor General and State Treasurer, in the purchase of the various supplies required by all of the departments, is regulated by the 12th Section, Article III, of the Constitution, and by the Act of Assembly, approved March 26th, 1895, Pamphlet Laws, page 22, which seeks to put in force the provisions of the Constitution, which require that all supplies and all contracts shall be purchased and performed under contract, to be given to the lowest responsible bidder below a maximum price, and under such regulations as shall be prescribed by law. This law requires the Board to advertise for bids in May of each year for the furnishing of all supplies and the performance of all work likely to be required by the State during the coming year. Schedules are prepared with maximum prices which are the prices thought to be current prices for the articles and for the work to be performed. The bidders bid to furnish supplies and perform work at a certain percentage off the maximum price, and the one who agrees to furnish for the largest percentage deducted from the maximum price is, under the requirements of the Constitution and law, awarded the contract.

Experience has established the fact that frequently there is no competition among bidders, and thus the very purpose of the Constitutional requirements and

the Act of Assembly are defeated. To remedy this evil, as far as possible, at the annual meeting of the Board on June 14th, 1900, for the purpose of awarding contracts on bids, the following resolution was unanimously adopted:

"Resolved, That in all cases where requisitions are hereafter approved and articles ordered, the bids accepted shall not authorize the payment of more than the cash price or market price for the articles, supplies or work and, although the bidder may be the lowest, yet if his bid is higher than the average cash price or market price of the article, supply or work at the time ordered, he shall not be paid more than such average cash price or market price; and every successful bidder shall be notified of this resolution of the Board and agree to the same before his bid shall be accepted."

All the successful bidders at the June awards were required to agree to this resolution and no bids were accepted where the bidders did not agree in writing to its provisions. This has resulted in a saving of money to the State and ought to be adopted as an amendment to the Act of March 26th, 1895. It is doubtful whether bidders could be compelled to agree to this condition without the sanction of legislative enactment, but such an amendment would not be in conflict with the provisions of the Constitution, or the act of 1895, but rather in furtherance of their purpose and object.

I respectfully recommend that a bill be passed amending the Act of March 26th, 1895, by adding to it this resolution.

Apportionment.

Your attention is respectfully invited to the duty that rests upon you to pass bills at this session of the Legislature to apportion the State into Senatorial, Legislative, Congressional and Judicial districts.

The last Senatorial apportionment was made in 1874; the last Representative and Congressional apportionments in 1887. The last Judicial apportionment was made in 1895, but it is your duty, under the Constitution of the State, to apportion the State into Judicial Congressional, Senatorial and Legislative or Representative districts, immediately after each decennial census.

The census of 1900 will soon be laid before you in an official report of the Director of Census. While you must necessarily delay action on the Congressional Apportionment Bill until Congress has passed the usual Act following each census, designating the ratio of Congressional districts, yet there is no reason why Judicial, Senatorial and Representative apportionments should not at once be considered. It is not necessary to dwell upon a plain mandate of the Constitution. If it were necessary to do so, the length of time elapsing since the last Senatorial and Representative apportionments would be sufficient to urge performance in these particulars.

Since the last Senatorial apportionment was made, there have been three decennial census enumerations, and since the last Representative apportionment, there have been two decennial census enumerations. Some of the Senatorial and Representative districts have largely increased, while others have decreased in population. Difficult as the problem is to solve, doubtful as it is whether you will be able to pass apportionment bills that will be satisfactory, nevertheless it is quite as much our duty to perform difficult work as that which is less difficult and more pleasant. The adjournment of this Legislature without passing apportionment bills would, in my judgment, be a serious neglect of duty.

The reason for the passage of a Judicial Apportionment Bill becomes more apparent by the fact under

the census of 1900 a number of the counties of the State have reached that population which entitles them to become separate Judicial Districts; others are entitled to have a separate Orphans' Court Judge. These separate districts and Orphans' Court Judges can be created and authorized in a general Judiciary Apportionment Bill, with less friction and more satisfaction, than by the passage of separate bills.

I, therefore, most respectfully urge upon your honorable bodies speedy consideration and passage of Judicial, Senatorial, Representative and Congressional Apportionment Bills.

United States Senators.

I am in entire sympathy and heartily approve the proposition to so amend the Federal Constitution as to permit the election of United States Senators by a direct vote of the people, in the same manner as State officials are now elected. Candidates for the Legislature are now too often selected by reason of their supposed friendship or opposition to some candidate for the United States Senate. Their qualifications to properly legislate for the districts which they represent are too often forgotten or ignored. The contests for United States Senator should be eliminated from the Legislature and members of that body should be selected for their fitness and capacity to represent the districts which elect them, rather than for their supposed friendship or opposition to candidates for the United States Senate. The people can be as well trusted to elect a United States Senator by direct vote, as they can be trusted to elect a Governor, Judges of the Supreme Court, and other State officials.

I, therefore, recommend that a resolution be passed early urging upon our Representatives in Congress such amendment to the Federal Constitution.

Ballot Reform.

The last Legislature passed two resolutions providing for amendments to the Constitution of the State looking to ballot reform--one permitting personal registration in cities of the first class and the other permitting legislation providing for voting machines.

I was unable to give these amendments my approval, because of my belief that they would not remedy the evils in our existing ballot law, and were not steps in the direction of true reform. Tammany experience with personal registration in New York city does not justify the expectation of good results which some see in it; and I was persuaded that the anxiety for voting machines arose out of the expectation of profits from the sale of the machines by those who own the patents, rather than from any expectation of improvement over our present laws; but I am heartily in favor of any legislation or Constitutional Amendments that will result in a purer ballot. There is urgent demand for remedial amendments to existing legislation governing the primary elections, and any legislation that would more correctly protect and warrant an honest vote and an honest count at the primaries of all political parties would, in my judgment, be productive of excellent results. The Pittsburg Chamber of Commerce and other civic bodies in the State have given much attention to this question and have suggested remedies. There is merit in all of these recommendations and I earnestly commend them to the careful consideration of this Legislature.

Pan-American Exposition.

Your attention is earnestly called to the Pan-American Exposition at Buffalo, New York, beginning on the first day of May, and ending on November 1, 1901. Buffalo, a large and populous city in a sister State, is

putting forth every effort to make her exposition a success. Congress has already appropriated \$500,000, Ohio has appropriated \$30,000 for the erection of a building, etc., and several other States have made provision for a proper representation at this exposition. Pennsylvania can hardly afford to refuse to recognize and aid in this undertaking. Her commercial intercourse and trade with Buffalo is large. Situated as Buffalo is, upon Lake Erie, which fronts a portion of our State, anything that contributes to the success of this exposition, must necessarily be beneficial to Pennsylvania. We are so closely allied with Buffalo as to give her citizens a reasonable right to expect co-operation upon our part.

At the request of the managers of the exposition, I appointed two Vice Presidents to represent our State:—the Honorable Joseph Buffington, of Pittsburg, and Colonel James Elverson, of Philadelphia: and also appointed at the request of the managers of the exposition two members of the Board of Women Managers or Commissioners:—Mrs. William McCreery, of Allegheny, and Mrs. Charles C. Harrison, of Philadelphia. I have not, however, made application for any space for exposition purposes for the State for want of authority. These Vice Presidents and Woman Managers have been appointed without compensation to them. I have done all that I felt authorized to do without legislative action.

If Pennsylvania is to be represented at this exposition, it is important that the Legislature should make an appropriation at once.

I think under all the circumstances our State ought to co-operate in this exposition, and earnestly recommend legislation in that particular.

WILLIAM A. STONE.

Arbor Day Proclamation, 1901.



IN THE -NAME AND BY
the authority of the Com-
monwealth of Pennsylvana,
Executive Department.

A PROCLAMATION.

The rapid devastation of our forests has long since brought us to a realization of the danger to which such a course must lead. In the absence of prompt action, the growing demands of our industrial world have soon stripped the mountains and plains of their wooded areas. Already the depletion of forests has influenced our climate and produced a marked effect upon the flow of the streams and rivers of the State.

Pennsylvania stands in the front rank of the states that realize the great importance of the forestry movement.

The legislature has endeavored to enlist our citizens in the work of repairing the injury already done and has authorized the setting aside of special days upon which trees and shrubs are to be systematically planted.

Forest Reservations have been established and the Department of Forestry recently created now has full charge of the State Reservations which are to be increased by purchase and cultivation.

It is the duty of every one to aid in this beneficent work which affects not only the State at large, but by protecting, improving and beautifying our highways, parks, school grounds and homes reaches each individual in the Commonwealth.

Natural forces alone are not sufficient to do the work of restoring trees which have been removed by human agency. We must co-operate with nature in order to

secure the greatest beauty about our homes and to perpetuate the prosperity of our State.

In order that our citizens, both young and old, may have an opportunity to continue to contribute their share to this successful and beneficent work.

I, William A. Stone, Governor of the Commonwealth of Pennsylvania, in accordance with law, do hereby designate and proclaim Friday, the Twelfth day of April, and Friday, the Twenty-sixth day of April, A. D. 1901, to be observed as

Arbor Days throughout the Commonwealth.

Two days are set apart for the observance of this custom. Inasmuch as the climatic conditions may render one of these days more favorable for the purpose intended than the other, the selection is left with the citizens of the various sections of the Commonwealth.



Given under my hand and the Great Seal of the State at the City of Harrisburg, this Twenty-ninth day of March in the year of our Lord one thousand nine hundred and one, and of the Commonwealth the one hundred and twenty-fifth. -

WILLIAM A. STONE.

By the Governor:

W. W. Griest,

Secretary of the Commonwealth.

Veto of an Act Relating to County and Township Officers.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, March 6, 1901.

Gentlemen:—

I RETURN HEREWITH, WITHOUT MY APPROVAL Senate bill No. 21, entitled "A supplement to an act approved April fifteenth, Anno Domini eighteen hundred and thirty-four, relating to county and township officers."

I am informed that a concurrent resolution recalling this bill from my hands has passed the House, but the adjournment of the Senate until March 11th will make it impossible for that body to take action thereon before the expiration of the ten days allowed me for the consideration of bills. It will, therefore, be impossible for the Legislature to officially recall this bill before the arrival of the date upon which it is my duty to either approve or disapprove it.

I am informed that Senate bill No. 131, which is similar to the one before me, but more general in its character, is now before the House. The only difference between this bill and Senate bill No. 131 is that the former applies only to townships and boroughs of this Commonwealth, while the latter applies to counties, townships and boroughs.

Inasmuch as the Legislature will have an opportunity to again pass upon the provisions of this bill, as incorporated in Senate bill No. 131, and inasmuch as the effort to recall this bill from my hands was unsuccessful on account of the adjournment of the Senate, I withhold my approval.

WILLIAM A. STONE.

Veto of an Act to enable Tax Collectors to Collect Taxes, for the Payment of Which They Have Become Personally Liable, Without Having Collected the same, by expiration of the Authority of Their Respective Warrants, or of Their Term of Office, and to Extend the Time for Collections for one Year.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, March 27, 1901.

I RETURN HEREWITH, WITHOUT MY APPROVAL, House bill No. 33, entitled "An act to enable city, county, ward, township, school and borough tax collectors to collect taxes for the payment of which they have become personally liable or for which they shall during the year one thousand nine hundred and one become personally liable without having collected the same by expiration of the authority of their respective warrants or by the expiration of their term of office and to extend the time for collections of the same for a period of one year from the passage of this act," for the reason that I have to-day signed Senate bill No. 32, which is a duplicate of all the provisions of this bill.

WILLIAM A. STONE.

Veto of an Act Making it the Duty of Sheriffs, on the request of Purchasers at Sheriff's Sales, to sign and Acknowledge one Deed for all Properties Sold at the same sale to the Same Purchaser.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, April 12, 1901.

Gentlemen:—

I RETURN HEREWITH, WITHOUT MY APPROVAL, House bill No. 44, entitled "An act making it the duty of sheriffs on the request of purchasers at sheriffs' sales to sign and acknowledge one deed for all properties sold at the same sale to the same purchaser and providing the remedy and penalty for refusal to do so and providing the compensation of the sheriff in such cases."

Having asked the Attorney General for his opinion upon the effect which this bill would have in the practice relating to sheriffs' sales, he has investigated the subject and laid before me two letters, one from Alex. Simpson, Jr., Esq., and the other from R. C. Dale, Esq., both prominent attorneys of the city of Philadelphia, who in no wise connected as counsellors with the sheriff and for the reasons given in these letters, copies of which I herewith file, I withhold my approval from this bill.

WILLIAM A. STONE.

Law Offices

Simpson & Brown.

Alex. Simpson, Jr. Francis Shunk Brown.

815 Stephen Girard Building.

Twelfth above Chestnut, Philadelphia.

Philadelphia, April 11, 1901.

Dear Sir: I called to see you yesterday in relation to House of Representatives file bill No. 44, which has passed the Legislature and is now pending before the Governor, to ask you to

speak to him regarding it; but on account of your other engagements I was unable to see you.

The bill is entitled "An act making it the duty of the sheriff, at the request of purchasers at sheriffs' sales, to sign and acknowledge one deed for all properties sold at the same sale to the same purchaser, and providing the remedy and penalty for refusal so to do." It seems to me that the bill should be vetoed for the following reasons among others:

1st. Under the principles and statutes of this State by virtue of which real estate is made liable for the payment of debts, the writ upon which the sale is had, the making of the sale and the acknowledgment and record of the deed are but a continuance of a single judicial proceeding. As in this and all other matters relative to the courts it is important that clearness should be observed, and that there should not be a commingling of proceedings which have no relevancy to each other, and which can only therefore result in confusion and annoyance to future purchasers of such real estate.

2nd. This bill is carefully drawn to exclude any discretion whatever on behalf of either the sheriff or the court, and puts the matter entirely in the power of the purchaser however incongruous the several proceedings may be, provided only the properties are sold at one sale. For instance, under this bill if one of the sales is on a vend. ex. after levy and condemnation, another on a fi. fa. in which levy and condemnation are waived, the third upon a levary in which no condemnation is required, and the fourth a sale of real estate and franchises of a corporation in which the procedure is different from all the rest, at the option of a single purchaser all these things must be conjoined in some anomalous way in a single deed, no matter how other interests may be affected or how ridiculous and foolish normally the thing may be.

3d. The difficulty is enhanced also by the fact that the purchaser can do what he pleases about it, though one writ may issue out of say C. P. No. 1, of this county, the second out of C. P. No. 2, the third out of C. P. No. 3, the fourth out of C. P. No. 4, and the fifth out of C. P. No. 5, the sixth a testatum writ from Pittsburg, the seventh a Commonwealth's writ from Harrisburg, and so on to practically no end, and still a single deed embracing different properties sold under writs issued out of all of said courts must be acknowledged, if the purchaser requires it in all the courts, notwithstanding the fact that it has already been once acknowledged in one of them.

4th. You will notice also that the bill provides that in case

of the failure of the sheriff to sign and acknowledge one deed for all the properties sold, that the purchaser may make his application to "any of the courts of common pleas of the county where the properties are situate" by petition against the sheriff, etc., and that one court of his selection though not one of those issuing any writ referred to in the deed, can compel the acknowledgment of the deed against the combined judgment of all the courts which issued the writs. That is to say, on a Commonwealth's writ issued out of Dauphin county, or a testatum writ out of Allegheny directing the sale of properties in Philadelphia county, the purchaser may select his own court in Philadelphia county, and notwithstanding the judgment of both the Dauphin county and Allegheny county courts, may force the acknowledgment of the deed to suit himself.

Surely such an anomaly as this ought not to find a place on the statute books of Pennsylvania, and I would therefore request that you lay the matter before the Governor, who like yourself will appreciate its incongruities from the lawyer's standpoint, and will I trust veto it for the reasons stated.

Very truly yours,

ALEX. SIMPSON, JR.

Hon. John P. Elkin.
 John C. Bullitt,
 Saml. Dickson,
 Joseph I. Doran, Law Offices 131-145 South Fourth St.,
 Richard C. Dale, Rooms 750, 752, 754-758,
 Hazard Dickson. Philadelphia, April 12, 1901.

Hon. William A. Stone, Governor of Pennsylvania:

My Dear Sir: My attention has been called to a bill which has passed both houses of the Legislature, being No. 44, of the file of the House, entitled "An act making it the duty of sheriffs on the request of purchasers at sheriffs' sale to sign and acknowledge one deed for the properties sold at the same sale to the same purchaser, and providing the remedy for refusing so to do and providing the compensation of the sheriff in such cases."

Having had for many years a considerable practice in selling real estate through the sheriff I feel justified in saying that if this bill becomes a law, it will tend to greatly confuse the practice in this county and to create innumerable clouds upon title. The sheriff of the county, I understand, will file with you in detail many of the reasons which should operate to prevent this bill from becoming a law. I am satisfied that these reasons are

based upon a correct apprehension of the situation and that the bar of this county would greatly regret the confusion which would be introduced in this attempted change of the practice which has been in force for many years without any real complaint. While it is true that in some cases there would be saved the costs of the acknowledgment of the separate deeds, this is an expense which in practice is not born by the debtor, but by the creditor who buys the property in, because the costs are not incurred until after the sale takes place. If the debtor can raise the money to save his property the cost is never incurred and while of course creditors buying property in, desire to save all the expense possible, the subsequent inconvenience and confusion in the after disposition of the property will cost them a great deal more than the immediate payment for the separate acknowledgments. In other words it would be economy which in the end would create great expense.

Very respectfully,

R. C. DALE.

Veto of an Act Fixing the Compensation to be Received by the Prison Inspectors of Berks County.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, April 12, 1901.

Gentlemen:—

I RETURN HEREWITH, WITHOUT MY APPROVAL, House bill No. 140, entitled "An act fixing the compensation to be received by the prison inspectors of Berks county and authorizing, empowering and directing the county commissioners of Berks county to pay to each of the prison inspectors of said county funds for services rendered and expenses incurred by said prison inspectors the sum of fifteen dollars for every month's services rendered in all cases where the same remain unpaid."

This bill conflicts with section seven, article three of the Constitution, which provides "That the General Assembly shall not pass any local or special law regulating the affairs of counties, cities, townships, wards, boroughs or school districts." This is a local or special law and applies only to Berks county. It undertakes to regulate affairs in Berks county in reference to prison inspectors and provides for the payment of \$15.00 per month for services heretofore rendered and services to be hereafter rendered by said inspectors.

WILLIAM A. STONE.

Veto of an Act Providing for a Pension for Philip L. Brasington.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, May 3, 1901.

Gentlemen:—

I RETURN HEREWITH, WITHOUT MY APPROVAL, House bill No. 255, entitled "An act providing for a pension of twelve dollars per month for Philip L. Brasington."

In the last Legislature I withheld my approval from all bills similar to this. If the members of the National Guard who are injured while in the service of the State are to be pensioned, it ought to be under the provisions of a general act with proper restrictions which will recognize all whose claims are meritorious. By the enactment of special bills of this character, a long list of pensioners would soon exist whose pensions would become an annual charge upon the State. I do not doubt that this claim has merits and that the claimant ought to be compensated for the damages which he has suffered, but I cannot see my way clear to give the bill my approval.

WILLIAM A. STONE.

Veto of "An Act to Repeal a Part of an Act Relating to Judicial Sales and the Preservation of the Liens of Mortgages."

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, May 8, 1901.

Gentlemen:—

I RETURN HEREWITH, WITHOUT MY APPROVAL, House bill No. 352, entitled "An act to repeal an act, entitled 'An act to repeal the third section of an act, entitled 'An act relating to judicial sales and the preservation of the liens of mortgages,' approved March twenty-third, Anno Domini one thousand eight hundred and sixty-seven, so far as relates to sales of real estate of decedents made by virtue or authority of an order or decree of any orphans' court in the county of Erie,' approved April twenty-fourth, Anno Domini one thousand eight hundred and sixty-nine."

This bill attempts to repeal the act of April 24, 1869, which repealed the act of March 23, 1867, in so far as it relates to the sales of real estate of decedents made by virtue or authority of an order or decree of any orphans' court in the county of Erie. The act of March 22, 1887, P. L. page 6, and the act of May 19, 1893, P. L. page 110, both re-enacted the law which this bill seeks to revive and there is, therefore, no necessity for its becoming a law.

WILLIAM A. STONE.

Veto of an Act Granting a Pension to Charles H.
Huyett.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, May 8, 1901.

Gentlemen:—

I RETURN HEREWITH, WITHOUT MY APPROVAL, House bill No. 399, entitled "An act granting a pension to Chas. H. Huyett."

It appears that Huyett was a private in company I, 12th regiment, Pennsylvania Volunteer Militia, which company was called out by proclamation of the Governor, September 5, 1862. It is claimed that while his company and regiment on a railroad train from Greencastle to Harrisburg Pennsylvania, a collision occurred in which he was injured and for this injury he now seeks a pension at the rate of \$8.00 per month. The fact that this accident occurred thirty-nine years ago in itself seems to justify the withholding of Executive approval. If the injuries were of such a character as to entitle him to receive a pension from the State, the strong probabilities are that it would have been granted many years ago. Inasmuch as the United States government grants pensions to soldiers disabled in the civil war, I do not think the State should do so unless the circumstances were such as to remove all doubt of the merits of the claim and afford a sufficient explanation for the long delay in presenting it. The State should not place any citizen upon its pension roll excepting where the services rendered and the injuries received are of such a character as to justify the expenditure.

For these reasons I withheld my approval from a similar bill passed by the last Legislature.

WILLIAM A. STONE.

Veto of an Act to Provide for Ward Representation
in the Town Council of Dunmore.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, May 8, 1901.

Gentlemen:—

I RETURN HEREWITH. WITHOUT MY APPROVAL. House bill No. 460, entitled "An act to provide for ward representation in the town council of the borough of Dunmore and providing for the election of members of council from each ward."

This bill applies only to the borough of Dunmore and is therefore special or local legislation prohibited by article three, section seven, of the Constitution.

WILLIAM A. STONE.

Veto of an Act Authorizing J. H. Shaw, a Citizen of
Philadelphia County to bring suit Against the Com-
monwealth of Pennsylvania for Badges Furnished
to Members of the Legislature.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, May 10, 1901.

Gentlemen:—

I RETURN HEREWITH. WITHOUT MY APPROVAL. Senate bill No. 77, entitled "An act authorizing J. H. Shaw, a citizen of Philadelphia county, Pennsylvania, to bring suit in the court of common pleas of Dauphin county, against the Commonwealth of Pennsylvania."

Under this bill John H. Shaw desires to sue the Commonwealth for badges supplied to the members of the

Legislature on the occasion of their visit to New York city to attend the ceremonies incident to the unveiling of Grant's tomb.

Inasmuch as this and other similar items have already been passed upon by a previous Legislature and Executive and as it has always been the policy of the State to discourage the bringing of suits against the Commonwealth by individuals, I do not feel justified in establishing a precedent which may lead to much unjustifiable litigation.

WILLIAM A. STONE.

Veto of an Act to Amend an Act authorizing the State Treasurer to Refund Certain Collateral Inheritance Taxes.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, May 16, 1901.

Gentlemen:—

I RETURN HEREWITH, WITHOUT MY APPROVAL, Senate bill No. 31, entitled "An act to amend an act, entitled 'An act authorizing the State Treasurer to refund collateral inheritance tax heretofore paid or that may hereafter be paid in error,' passed the twelfth day of June, Anno Domini one thousand eight hundred and seventy-eight, providing for an extension of the limitation of time within which applications shall be made to certain cases."

This bill is an exact duplicate of House bill No. 31, passed by this Legislature, which was approved by me on the twenty-fifth day of March.

WILLIAM A. STONE.

Veto of an Act to Provide for Ward Representation
in the School Board of Dunmore.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg.

Gentlemen:—

I RETURN HEREWITH, WITHOUT MY APPROVAL, House bill No. 502, entitled "An act to provide for ward representation in the school board of the school district of the borough of Dunmore and providing for the election of school directors from each ward."

This bill applies only to the borough of Dunmore and is, therefore, special or local legislation prohibited by article three, section seven, of the Constitution.

WILLIAM A. STONE.

Veto of an Act Making it Wilful Trespass to Hunt,
Trap and Take Elk, Deer or Fawn from Lands En-
closed for the Propagation and Preservation of
such Game.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg.

Gentlemen:—

I RETURN HEREWITH, WITHOUT MY APPROVAL, House bill No. 93, entitled "An act making it wilful trespass to hunt, trap and take elk, deer or fawn from lands enclosed for the propagation and preservation of the same and providing for the punishment of such trespass."

This bill provides an additional penalty of \$100 for

trespassing on lands enclosed for the preservation and propagation of elk, deer or fawn for the purpose of hunting and trapping. If the enclosure mentioned were specified and defined to be a fence which would indicate a clear and palpable intent of establishing a game preserve, it might be a proper case for Executive approval, but the enclosure not being defined it would seem to give associations or individuals the right to purchase large bodies of lands and set them apart for the preservation and propagation of elk, deer or fawn by enclosing them with a single wire. The penalty for trespassing upon such lands by local hunters is, in my judgment, unnecessarily severe and for this reason I withhold my approval.

WILLIAM A. STONE.

Veto of Legislation Authorizing the Commonwealth of Pennsylvania to Rebuild County Bridges Over Navigable Rivers, and other Streams Which Have Been Declared Public Highways by Act of Assembly, where such Bridges Have Been Destroyed by Flood, Fire or other Casualty.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, May 17, 1901.

Gentlemen:—

I RETURN HEREWITH, WITHOUT MY APPROVAL, House bill No. 304, entitled "An act amending an act, entitled 'An act authorizing the Commonwealth of Pennsylvania to rebuild county bridges over navigable rivers and other streams which have been declared public highways by act of Assembly where such bridges have been destroyed by flood, fire

or other casualty, providing for the appointment of viewers and inspectors and the payment of the costs of rebuilding such bridges,' approved the third day of June, Anno Domini one thousand eight hundred and ninety-five, extending the provisions thereof so as to authorize the rebuilding by the Commonwealth of county bridges which have become dangerous and unfit for the uses intended and providing for changes in the location of bridges rebuilt."

If this bill should become a law it would entail upon the State the cost of constructing all bridges over navigable streams and such streams as have been declared to be highways by act of Assembly, which may hereafter be carried away or destroyed by flood, fire or casualty or which may have become or may hereafter become by reason of age and increased travel or traffic thereon or other causes dangerous and unfit for the uses intended and rebuild the same in case they are again carried away or destroyed or again become dangerous and unfit for the uses intended. It would practically charge the State with the construction and maintenance of all the bridges over navigable streams and such other streams as have been declared by act of Assembly to be public highways. There is no way of estimating the amount of money that would likely be expended by the State in any one year in the construction of worn out bridges and there is no reason why the State should bear this burden. The revenue of the State is not sufficient to justify it in embarking upon a sea of unknown breadth and uncertain expenditure. The State already reconstructs bridges destroyed by fire or flood over navigable streams and such other streams as have been declared to be public highways by act of Assembly. This bill is only another project to relieve the counties of their own natural and local burdens and put them upon the State and for these reasons I withhold my approval from this bill.

WILLIAM A. STONE,

Veto of an Annuity to Francis Zieber, a Private in the Pennsylvania State Militia.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, May 17, 1901.

Gentlemen:—

I RETURN HEREWITH, WITHOUT MY APPROVAL, House bill No. 400, entitled "An act granting an annuity to Francis Zieber, of Reading, Berks county, Pennsylvania, a private in Captain Jacob Lehman's company B, Fifty-third regiment, Pennsylvania State Militia."

If pensions are to be granted those who served in the State Militia or the National Guard it should be under a general law. I am not in favor of granting pensions by special bill, and see no reason why an exception should be made in this case.

WILLIAM A. STONE.

Veto of an Act Regulating the Sale of Commercial Feeding Stuffs, and Prohibiting Their Adulteration.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, May 17, 1901.

Gentlemen:—

I RETURN HEREWITH, WITHOUT MY APPROVAL, House bill No. 406, entitled "An act regulating the sale of commercial feeding stuffs, prohibiting their adulterations and fixing penalties for its violations."

This bill is similar in its provisions to House bill No.

26, passed by this Legislature and approved by me on the twenty-fifth of April. Both of these measures regulate the sale of commercial stuffs, and, while there may be some slight variation in the method proposed, I see no reason why the statute books should be encumbered with two laws so similar in their nature.

WILLIAM A. STONE.

Veto of an Act to Enable Parents, Guardians or Other Persons Having the Charge or Control of a Minor Child or Children, and Being the Owner of Real Estate, Subject to Taxation for School Purposes, in Another District than the one in Which he or She Resides, to Send Such Child or Children to the Common, Graded or High School of Such Other District Without Payment of Tuition Fees.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, May 17, 1901.

Gentlemen:—

I RETURN HEREWITH, WITHOUT MY APPROVAL, House bill No. 416, entitled "An act to enable parents, guardians or other persons having the charge or control of a minor child or children and being the owner of real estate subject to taxation for school purposes in another district than the one in which he or she resides to send such child or children to the common, graded or high school of such other district without payment of tuition fees and requiring the school directors or controllers and teachers of such other district to receive such child or children in such common, graded or high school there to be instructed in the branches of learning there taught."

Under this bill special privileges would be given to those fortunate enough to hold real estate subject to taxation for school purposes in a district other than the one in which they reside. They would be entitled to send their children, or the children under their control, either to the school in the districts in which they reside or any of the schools in districts in which they owned real estate subject to taxation for school purposes, while those who are not so fortunate would be restricted to schools in the district in which they reside.

This is legislation for the benefit of one class to the exclusion of another and clearly opposed to the meaning and intent of the Constitution.

WILLIAM A. STONE.

Veto of an Act to Amend Certain Defects of the Law
for the More Just and Safe Transmission and Secure
Enjoyment of Real and Personal Estate.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, May 31, 1901.

Gentlemen:—

I RETURN HEREWITH, WITHOUT MY APPROVAL, Senate bill No. 58, entitled "An act to amend section seven of an act, entitled 'An act to amend certain defects of the law for the more just and safe transmission and secure employment of real and personal estate,' approved the twenty-seventh day of April, Anno Domini one thousand eight hundred and fifty-five, providing for the extinguishment of any ground-rent, annuity or other charge upon real estate after twenty-one years and making the same appli-

cable in cases where the Commonwealth is a party claimant the same as in the case of other parties."

This bill seeks, among other things, to amend the act of 1855 by providing that its limitations shall apply where the Commonwealth is a party claimant as in the case of other parties. The Commonwealth is a party claiming fees and purchase money on lands sold many years ago and I know no good reason why the Commonwealth should lose the right to collect any ground-rent, annuity or other charges upon real estate where none has been paid for twenty-one years. The fact that the Commonwealth has been indulgent to its creditors is not a sufficient reason for cancelling the debt and I fear that under the language of this amendment the Commonwealth would be prohibited from collecting claims for land sold which have not been pressed for a period of twenty-one years.

WILLIAM A. STONE.

Veto of an Act to Provide for the Election of Recorders of Deeds and Registers of Wills in Counties Having a Population of Over One Hundred and Fifty Thousand.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 31, 1901.

Gentlemen:—

I RETURN HEREWITH, WITHOUT MY APPROVAL, Senate bill No. 260, entitled "An act to provide for the election of recorders of deeds and registers of wills in counties having a population of over one hundred and fifty thousand."

This bill is an exact duplicate of House bill No. 476,

passed by this Legislature, which was approved by me on the twenty-seventh day of May.

WILLIAM A. STONE.

Veto of an Act Providing a Pension for Harry R. Silk.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 31, 1901.

Gentlemen:—

I RETURN HEREWITH, WITHOUT MY APPROVAL, Senate bill No. 361, entitled "An act providing a pension of fifteen dollars per month for Harry R. Silk," for the reason set forth in the veto of House bill No. 255.

WILLIAM A. STONE.

Veto of an Act to Regulate Assessments in cities of the Second Class.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, June 12, 1901.

Gentlemen:—

I RETURN HEREWITH, WITHOUT MY APPROVAL, House bill No. 535, entitled "An act to regulate assessments in cities of the second class."

This bill is an exact duplicate of Senate bill No. 292, passed by this Legislature, which was approved by me on the fourth day of June.

WILLIAM A. STONE.

Veto of an Act Designating Who Shall Make Application for a Borough Previously Incorporated to Become subject to Restrictions and Possess Additional Powers and Privileges.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, June 12, 1901.

Gentlemen:—

I RETURN HEREWITH, WITHOUT MY APPROVAL, House bill No. 665, entitled "An act amending section thirty-three of an act, entitled 'An act to regulate boroughs,' approved third April, one thousand eight hundred and fifty-one, designating who shall make application for a borough previously incorporated to become subject to the restrictions and possess the powers and privileges conferred by said act of one thousand eight hundred and fifty-one."

This bill is an exact duplicate of Senate bill No. 293, passed by this Legislature, which was approved by me on the fourth day of June.

WILLIAM A. STONE.

Veto of an Act Granting an Annuity to S. B. Lysinger, a Private in the Pennsylvania Militia.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, June 12, 1901.

Gentlemen:—

I RETURN HEREWITH, WITHOUT MY APPROVAL, House bill No. 598, entitled "An act granting an annuity to S. B. Lysinger, a private in an artillery company commanded by Captain A. S. Morrow, belonging to Colonel Jacob Higgins' regiment of

Pennsylvania militia, while in discharge of duty on the third of July, one thousand eight hundred and fifty-eight, had his right hand blown off and thereby disqualified from earning a living, and is now suffering from progressive muscular paralysis in his left hand," for the reasons set forth in the veto of House bill No. 400.

WILLIAM A. STONE.

Veto of an Act Granting a Pension to James S. Plummer, a private in the Pennsylvania Militia.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, June 12, 1901.

Gentlemen:—

I RETURN HEREWITH, WITHOUT MY APPROVAL, House bill No. 593, entitled "An act granting a pension to James S. Plummer, a private in Tyrone Artillery Company, Pennsylvania Militia, commanded by Captain James Bell," for the reasons set forth in the veto of House bill No. 400.

WILLIAM A. STONE.

Veto of an Act to Make the Commonwealth of Pennsylvania Liable for a Proportionate Share of the Cost of Construction of Bridges Built by County Commissioners Over Streams Above a Certain Width and Providing for the Method of Construction and Manner of Payment for Such Bridges.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, June 13, 1901.

Gentlemen:—

I RETURN HEREWITH, WITHOUT MY APPROVAL, House bill No. 192, entitled "An act to make the Commonwealth of Pennsylvania liable for a proportionate share of the cost of construction of bridges built by county commissioners over streams above a certain width and providing for the method of construction and manner of payment for such bridges."

This bill provides that when under any existing law a bridge is built by the county commissioners of any county or counties in this Commonwealth over a stream of water one thousand feet in width the Commonwealth shall pay one-half the cost of construction. This no doubt is intended to aid counties unable financially to construct the necessary bridges. If the revenue of the State justified entering into these obligations, I would not hesitate to approve this bill, as the surplus revenues might very properly be expended in relief of local burdens, but the same argument used in favor of the bill justified its disapproval. The State has not sufficient revenue to even partially relieve the counties in the Construction of bridges and I see no reason why the Commonwealth should assume this burden especially when there is not sufficient revenue to justify appropriations to needy and meritorious hospitals and like institutions. In addition to this there is no way to ascertain, with any degree of certainty,

the amount of money that the State would be called upon to expend under this bill.

WILLIAM A. STONE.

Veto of an Act Prescribing the Time and Manner of Submitting to the People for their Approval and Ratification or Rejection a Proposed Amendment to the Constitution.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, June 13, 1901.

Gentlemen:—

I RETURN HEREWITH, WITHOUT MY APPROVAL, House bill No. 582, entitled "An act prescribing the time and manner of submitting to the people for their approval and ratification or rejection a proposed amendment to the Constitution."

This bill is almost an exact duplicate of Senate bill No. 399, passed by this Legislature and approved by me June 4, the only difference being that Senate bill No. 399 directs that the election therein provided for be held "in accordance with the provisions of the election laws of Pennsylvania and the amendments thereof," while this bill recites at length the election laws and amendments referred to.

WILLIAM A. STONE.

Veto of Legislation Relative to the Incorporation and Government of cities of the Third Class, Providing for the Adjustment of the indebtedness of such Cities, Annexed boroughs or Townships.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, June 14, 1901.

Gentlemen:—

I RETURN HEREWITH, WITHOUT MY APPROVAL, House bill No. 222, entitled "A supplement to an act approved the twenty third day of May, one thousand eight hundred and eighty-nine, entitled 'An act for the incorporation and government of cities of the third class,' providing for the adjustment of the indebtedness of such cities and boroughs or townships annexed thereto."

The act approved May 16, 1901, provides that the court of quarter sessions may determine what proportion of the indebtedness of the annexed township shall be paid by the city to the township and generally where territory is annexed by a borough or city the courts adjust and determine the proportionate rate of indebtedness that each shall bear.

This bill fixes arbitrarily the relative proportion of indebtedness and while it might perhaps equitably adjust the difficulties of a particular annexation in the minds of the parties instrumental in its passage, yet it is a general bill and would not likely fit and equitably adjust in all the cases of annexation that might come under its provisions.

WILLIAM A. STONE.

Veto of a Concurrent Resolution Providing for a Commission to Revise the Corporation Law of the Commonwealth.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, May 3, 1901.

Gentlemen:—

I RETURN HEREWITH, WITHOUT MY APPROVAL, concurrent resolution originating in the House of Representatives providing for the appointment of a commission of nine persons learned in the law to draft and report to the General Assembly of 1903 a general and comprehensive law regulating the incorporation and management of certain corporations.

This resolution would authorize the creation of a commission empowered to revise the corporation law of 1874 and its supplements and amendments as interpreted by the Supreme and Superior Courts, which revision would come before the Legislature for enactment and my objections to the resolution are:

First: If a commission is created to revise the corporation laws of the State, it should have power to revise all the laws pertaining to all kinds of corporations in the State and not be confined to the act of 1874 and its supplements. There are many corporations doing business in the State that are not authorized by the act of 1874, nor by any of its supplements, to wit: railroads, street railways, natural gas companies and many others. A revised statute would be of very little aid unless it embraced all the laws pertaining to all the different corporations in the State.

Second: It would result in the alteration of many of the statutes now in force and bring about more confusion than now exists.

Third: The attempt to re-write a provision or para-

graph of the act of 1874, or any of its supplements, in accordance with the definition which the Superior Court has put upon it alone might afterwards be changed by the Supreme Court.

Fourth: While the appropriation for this commission is restricted to \$5,000, it might and probably would lead to a much larger expenditure by the State before the completion of the work.

If the corporation law of 1874 and its supplements should need amendment, it is a very simple matter for the Legislature to amend by a general law. I do not think it necessary to resort to the expense and long consideration of the matter by a commission, and for these reasons I withhold my approval from said resolution.

WILLIAM A. STONE.

Veto of an Act to Qualify a Libellant in an Action for Divorce to be a competent Witness to all Matters Material in the issue.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, July 1, 1901.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 71, entitled "An act to qualify a libellant in an action for divorce to be a competent witness to all matters material in the issue where there has been personal service of the subpoena as well as in all cases pending where there have been two returns of subpoenas of non est inventus by the sheriff and due notice to the respondent by publication as required by law and the rules of the respective courts."

This bill permits libellants in divorce proceedings to testify as witnesses in all matters material in the issue where there has been no personal service upon the respondent, but where the subpoena has been returned non est inventus and notice given the respondent by publication. This would, in my judgment, open a wide door in the obtaining of divorces. Our laws are now too liberal in the granting of divorces and I would restrict rather than enlarge them. If this bill should become a law it would be as easy to obtain a divorce in Pennsylvania as it is in any other State and much easier than in many other states and it would also be possible to obtain a divorce without the knowledge of the other party at all. I have always believed the marriage contract to be sacred and I cannot cooperate in the passage of a law which makes it so easy to annul it.

WILLIAM A. STONE.

Veto of an Act Directing the County Commissioners of the Several Counties in this Commonwealth to Take, Maintain and Assume Control of Township and Borough Bridges, over Forty Feet in length; Providing for the Rebuilding of any Bridges which may be Destroyed, and the Building of new Bridges.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, July 11, 1901.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, Senate bill No. 174, entitled "An act authorizing and directing the county commissioners of the several counties in this Commonwealth to take, maintain and assume control of township and borough bridges over

forty feet in length, providing for the rebuilding of any bridges which may be destroyed and the building of new bridges."

I know of no good reason why the several counties of the State should be burdened with the supervision and control of bridges over forty feet in length. There would seem to be no greater excuse or necessity for such a change than to charge the counties with the construction and maintenance of the township roads and highways of the State. The counties already have as much or more responsibility than they should be expected to assume and I know of no reason for placing this additional charge upon them.

WILLIAM A. STONE.

Veto of a Pension to Lydia S. Whitley, Widow of a
Private in the Pennsylvania State Militia.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, July 11, 1901.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 572, entitled "An act granting a pension to Lydia S. Whitley, widow of William A. Whitley, deceased, a private in company K, Thirty-fifth regiment, Pennsylvania State Militia," for the same reasons set forth in the veto of House bill No. 400.

WILLIAM A. STONE.

Veto of an Act to Provide for the Relief of Indigent Union Soldiers, Sailors and Marines, and the Indigent Wives, Widows and Minor Children of Indigent or Deceased Union Soldiers, Sailors or Marines.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, July 11, 1901.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 620, entitled "An act to provide for the relief of indigent Union soldiers, sailors and marines and the indigent wives, widows and minor children of indigent or deceased Union soldiers, sailors or marines."

This bill provides for the creation of a fund for the relief of honorably discharged indigent soldiers, sailors and marines and the indigent widows, wives, parents and minor children under fifteen years of age of such indigent deceased soldiers, sailors and marines by the levying of a tax of one-tenth of one mill on the assessed value of the property in the several counties of the State by the county commissioners thereof, which fund is to be distributed by soldiers' relief committees and commissions in the various wards, townships, boroughs and counties of this State.

The enactment of this bill would create a soldiers' pauper list and would place this honorable class of our citizenship in the position of objects of charity and I am sure that the old soldiers and those dependent upon them would very properly resent such action. In addition to this, the tax thus levied would be so small that fully one-half of it would be eaten up by the cost of collection and quite a proportion of the balance by the committees and commissions in the various wards, townships, boroughs and counties charged with its dis-

tribution. It is needless to say that I am in favor of all legislation which will benefit the soldiers, sailors and marines, but I do not consider that this is a measure in their interest.

WILLIAM A. STONE.

Veto of an Act with Reference to the Sale of Butter Produced by Taking Original Packing Stock and Other Butter and Melting the Same, So that the Butter Oil Can be Drawn off, Mixed with Skimmed Milk or Other Material and by Emulsion or Other Process Produce Butter, and Butter Produced by any Similar Process, and commonly known as "Boiled" or "Process" Butter.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, July 11, 1901.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 407, entitled "An act to amend section one of an act, entitled 'An act to regulate the sale of butter produced by taking original stock and other butter and melting the same so that the butter oil can be drawn off, mixed with skimmed milk or other material and by emulsion or other process produce butter and butter produced by any similar process and commonly known as 'boiled' or 'process' butter, providing for the enforcement thereof and punishment for the violation of the same, approved the fourth day of May, Anno Domini one thousand eight hundred and ninety-nine."

This bill is similar in its provisions to House bill No. 376, passed by this Legislature and approved by me on

the tenth instant. Both of these measures regulate the manufacture and sale of boiled or process butter. The approval of House bill 376 makes the enactment of this bill unnecessary and I see no reason why the statute books should be encumbered with two laws so similar in their nature.

WILLIAM A. STONE.

Veto of an Act to Authorize the Auditor General to
resettle Certain Bills for Advertising Mercantile
Appraisers' Lists.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, July 11, 1901.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 752, entitled "An act to authorize the Auditor General to resettle the bills for advertising the mercantile appraisers' lists for the year one thousand nine hundred in certain cases."

The approval of this bill would take about \$18,000 out of the Treasury and while the claims intended to be paid thereby are perhaps not larger than the usual rates charged by newspapers for similar advertising, yet they were inserted in the papers with full knowledge of the law that not more than ten per cent. of the tax collected could be paid for advertisements. No one has, therefore, been misled or deceived in the matter. In addition to this the Treasury will not justify the expenditure and for these reasons I withhold my approval.

WILLIAM A. STONE.

Veto of an Act, to Provide for the Appointment of Inspectors to Inspect Scales, Weights and Measures.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, July 11, 1901.

I FILE HEREWITH, IN THE OFFICE OF THE Secretary of the Commonwealth, with my objections thereto, House bill No. 574, entitled "An act to amend section one of an act, entitled 'An act to provide for the appointment of inspectors by the Governor for cities of the first and second class of this Commonwealth, to inspect scales, weights and measures, and providing for their compensation,' approved the twenty-sixth day of June, Anno Domini one thousand eight hundred and ninety-five."

The constitutionality of this act is at least doubtful. The 27th section of article III of the Constitution provides that "No State office shall be continued or created for the inspection or measuring of any merchandise, manufacturing or commodity, but any county or municipality may appoint such officers when authorized by law." If the office intended to be created by this act is a State office, it is clearly within the inhibition of the constitutional provision above recited. If it is not a State office, and should be construed to be a county or municipal office, then the question of who has the right to make appointments in such cases under the authority of the Constitution is raised. It was clearly the intention of the framers of the Constitution to prohibit the creation or continuance of State offices for the inspection and measuring of merchandise, manufactures and other commodities. It is just as clearly the intention of the Constitution that such an office might be created in a county or municipality by law, but the Constitution provides that the appointments must be made by the county or the municipality.

The act of 26th day of June, A. D. 1895, intended to be amended by this act, is still on the statute books, and the constitutional question may be raised in a proper proceeding under that act.

Doubting, therefore, the power of the Legislature to create the office and make the appointment in the manner provided in this bill I feel constrained to withhold my approval of the same.

WILLIAM A. STONE.

Veto of an Act Regulating the Collection of County
Taxes in the Cities of the Third Class.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, July 13, 1901.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 627, entitled "An act regulating the collection of county taxes in the cities of the third class of this Commonwealth."

This bill interferes with the uniformity in the collection of taxes by granting to people who pay county taxes in cities of the third class a rebate of five per cent. if paid within sixty days from notice and adding five per cent. to the taxes if they are not paid within six months from notice.

Article nine, section one of the Constitution, requires that taxes shall be uniform and the same logic ought to require that the collection of taxes shall be uniform. While I am not prepared to say that the bill is unconstitutional, I think it unwise legislation because it extends privileges and adds penalties in the collection of county taxes in cities of the third class,

which are not uniform throughout the State and do not apply to local taxes.

WILLIAM A. STONE.

Veto of an Act to Confer upon Residents of this Commonwealth the Like Exemption from lien, Levy and Sale of Their Property, on Judgments Obtained Here for Causes of Action Arising or Investments Made Elsewhere, as is allowed by the Homestead or Exemption Laws of the State, Territory or Country where the Cause of Action Arose or the Investment Was made, to citizens Thereof.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, July 13, 1901.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, Senate bill No. 555, entitled "An act to confer upon residents of this Commonwealth the like exemption from lien, levy and sale of their property on judgments obtained here for causes of action arising or investments made elsewhere as is allowed by the homestead or exemption laws of the State, Territory or country where the cause of action arose or the investment was made to citizens thereof."

This bill seeks to extend to citizens of this State contracting debts in other states the same exemption allowed by the laws of the State where the debt is contracted. This would permit a citizen of Pennsylvania while temporarily residing in a far western state, where the exemption laws exempting a homestead or farm to have his farm in Pennsylvania exempted as against an execution on a judgment obtained for a

debt contracted in said other state. It would destroy the uniformity of our laws upon the subject of exemption and extend a privilege to a class of debtors without any good and sufficient reason for so doing.

WILLIAM A. STONE.

Veto of an Act Authorizing County Commissioners to Divide Wards Containing Seven Thousand or More Inhabitants, in Cities of the Third Class, into Assessment districts, and Providing for the Appointment of County assessors Therefor.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, July 17, 1901.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, Senate bill No. 395, entitled "An act authorizing county commissioners to divide wards containing seven thousand or more inhabitants in cities of the third class into assessment districts and providing for the appointment of county assessors therefor."

This bill in spirit, if not in letter, conflicts with article nine, section one of the Constitution, because it provides a different method of selecting assessors for the assessment of property. It directs that the county commissioners may divide wards where they contain more than seven thousand inhabitants into assessment districts in cities of the third class and appoint assessors therefor.

In a city of the third class having one ward of over and another ward of less than seven thousand population the city would have assessors in part elected by the people and in part appointed by the county com-

missioners. The best way to enforce the constitutional provision that taxes shall be uniform is to preserve the law which requires that the selection of assessors shall be uniform. This bill, in my judgment, would interfere with that, and it seems to me that it is unwise legislation. There ought not to be two separate systems of selecting officials of the same office in any one city.

WILLIAM A. STONE.

Veto of an Appropriation to Pay the Horn and Brennen Manufacturing Company for Goods Furnished the Wernersville Asylum.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 17, 1901.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 673, entitled "An act making an appropriation to the Horn and Brenner Manufacturing Company of Philadelphia," for the reason that neither the trustees in charge of the insane asylum at Wernersville nor those in charge of any other State institution have any power or authority whatever to contract any bills not contemplated and covered by the appropriation made by the Legislature. If the trustees authorized the purchase of this bill of goods, they should have paid for it out of the appropriation. They do not need any legislative authority to do so.

WILLIAM A. STONE.

Veto of an Appropriation to Pay for Work and Services rendered by the Architect in the Furnishing and Equipping the State Institution for Feeble Minded at Polk.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 17, 1901.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 281, entitled "An act making an appropriation to the trustees of the State Institution for Feeble Minded at Polk, to pay for work done and services rendered by the architect in the furnishing and equipping said institution," because there was no authority vested in the board of trustees to contract debts which exceeds the amount appropriated in the years designated.

WILLIAM A. STONE.

Veto of an Appropriation for the Expenses of the State Board of Agriculture.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 17, 1901.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 811, entitled "An act making an appropriation to the expenses of the State Board of Agriculture," because of insufficient State revenue.

WILLIAM A. STONE.

Veto of an Appropriation to the Trustees of the State Institution for Feeble-Minded of Western Pennsylvania, for the Purchase of a Tract of Land.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 17, 1901.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 908, entitled "An act making an appropriation to the trustees of the State Institution for Feeble Minded of Western Pennsylvania for the purchase of a tract of land adjoining land of the Commonwealth of Pennsylvania, on which the State Institution for Feeble Minded of Western Pennsylvania is situated."

The purchase of this land is not considered necessary and I withhold my approval of this bill because the State revenue does not warrant this expenditure at this time.

WILLIAM A. STONE.

Veto of an Appropriation to the Kensington Hospital for Women, at Philadelphia.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 18, 1901.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 707, entitled "An act making an appropriation to the Kensington Hospital for Women at Philadelphia."

I withhold my approval from this appropriation because the revenue of the State does not warrant this expenditure.

WILLIAM A. STONE.

Veto of an Appropriation to the Philadelphia Society for Organizing Charity, for the Maintenance of the Wayfarers' Lodge.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 18, 1901.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 744, entitled "An act making an appropriation to the Philadelphia Society for Organizing Charity for the maintenance of the Wayfarers' Lodge operated by that society," for the reason set forth in my veto of House bill No. 707.

WILLIAM A. STONE.

Veto of an Appropriation to the Home of Industry for Discharged Prisoners of the City of Philadelphia.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 18, 1901.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 825, entitled "An act making an appropriation to the Home of Industry for Discharged

Prisoners of the City of Philadelphia," for the reason set forth in my veto of House bill No. 707.

WILLIAM A. STONE.

Veto of Appropriation to the Berean Manual Training and Industrial School.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 18, 1901.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 718, entitled "An act making an appropriation to the Berean Manual Training and Industrial School," for the reason set forth in my veto of House bill No. 707.

WILLIAM A. STONE.

Veto of an Appropriation to the Chambersburg Industrial Kindergarten and Business School for Colored Children.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 18, 1901.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 726, entitled "An act making an appropriation to the Chambersburg Industrial Kindergarten and Business School for Colored Children at Chambersburg, Franklin county, Pennsylvania," for the reason set forth in my veto of House bill No. 707.

WILLIAM A. STONE.

Veto of an Appropriation to the House of Good Shepherd of Philadelphia.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 18, 1901.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 869, entitled "An act making an appropriation to the House of Good Shepherd of Philadelphia," for the reason set forth in my veto of House bill No. 707.

WILLIAM A. STONE.

Veto of an Appropriation to Avery College of Allegheny City.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 18, 1901.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 911, entitled "An act making an appropriation to Avery College of Allegheny City," for the reason set forth in my veto of House bill No. 707.

WILLIAM A. STONE.

Veto of an Appropriation to the Philadelphia German Protestant Home for the Aged.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 18, 1901.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 914, entitled "An act making an appropriation to the Philadelphia German Protestant Home for the Aged at Philadelphia," for the reason set forth in my veto of House bill No. 707.

WILLIAM A. STONE.

Veto of an Appropriation to the Friends' Home for Children of Philadelphia.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 18, 1901.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 754, entitled "An act making an appropriation to the Friends' Home for Children, of Philadelphia," for the reason set forth in my veto of House bill No. 707.

WILLIAM A. STONE.

Veto of an appropriation to the Florence Crittenden
Home of Erie.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 18, 1901.

I FILE HEREWITH, WITH MY OBJECTIONS, IN
the office of the Secretary of the Commonwealth,
House bill No. 918, entitled "An act making an
appropriation to the Florence Crittenden Home, in the
city of Erie, Pennsylvania," for the reason set forth
in my veto of House bill No. 707.

WILLIAM A. STONE.

Veto of an Appropriation to the Home of the Good
Shepherd of Allegheny.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 18, 1901.

I FILE HEREWITH, WITH MY OBJECTIONS, IN
the office of the Secretary of the Commonwealth,
House bill No. 851, entitled "An act making an
appropriation to the Home of the Good Shepherd of Al-
legheny," for the reason set forth in my veto of House
bill No. 707.

WILLIAM A. STONE.

Veto of an Appropriation to the North Pennsylvania General Hospital and Sanitarium, of Austin.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 18, 1901.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 795, entitled "An act making an appropriation to the North Pennsylvania General Hospital and Sanitarium, in the borough of Austin, for the reason set forth in my veto of House bill No. 707.

WILLIAM A. STONE.

Veto of an Appropriation to the Trustees of the Waynesburg Hospital, of Greene County.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 18, 1901.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 790, entitled "An act making an appropriation to the trustees of the Waynesburg Hospital, Greene county," for the reason set forth in my veto of House bill No. 707.

WILLIAM A. STONE.

Veto of an appropriation to Saint Joseph's Hospital,
of Reading.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 18, 1901.

I FILE HEREWITH, WITH MY OBJECTIONS, IN
the office of the Secretary of the Commonwealth,
House bill No. 897, entitled "An act making an
appropriation to Saint Joseph's Hospital in the city of
Reading, for the reason set forth in the veto of House
bill No. 707.

WILLIAM A. STONE.

Veto of an Appropriation to the Taylor Hospital, in
the County of Lackawanna.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 18, 1901.

I FILE HEREWITH, WITH MY OBJECTIONS, IN
the office of the Secretary of the Commonwealth,
House bill No. 907, entitled "An act making an
appropriation to the Taylor Hospital in the county of
Lackawanna," for the reason set forth in the veto of
House bill No. 707.

WILLIAM A. STONE.

Veto of an Appropriation to Elk County General Hospital.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 18, 1901.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 840, entitled "An act making an appropriation to Elk County General Hospital," for the reason set forth in the veto of House bill No. 707.

WILLIAM A. STONE.

Veto of an Appropriation to the Women's Southern Homeopathic Hospital of Philadelphia.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 18, 1901.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 837, entitled "An act making an appropriation to the Woman's Southern Homoeopathic Hospital of Philadelphia," for the reason set forth in the veto of House bill No. 707.

WILLIAM A. STONE.

Veto of an Appropriation to the Garretson Hospital
of Philadelphia.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 18, 1901.

I FILE HEREWITH, WITH MY OBJECTIONS, IN
the office of the Secretary of the Commonwealth,
House bill No. 882, entitled "An act making an ap-
propriation to the Garretson Hospital of Philadel-
phia," for the reason set forth in the veto of House
bill No. 707.

WILLIAM A. STONE.

Veto of an Appropriation to the West Philadelphia
Hospital for Women.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 18, 1901.

I FILE HEREWITH, WITH MY OBJECTIONS, IN
the office of the Secretary of the Commonwealth,
House bill No. 674, entitled "An act making an ap-
propriation to the West Philadelphia Hospital for
Women," for the reason set forth in the veto of House
bill No. 707.

WILLIAM A. STONE.

Veto of an Act Detaching the County of Carbon from the Forty-third Judicial District, and Erecting the Same into a Separate Judicial District.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 19, 1901.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 119, entitled "An act detaching the county of Carbon from the Forty-third judicial district and erecting the same into a separate judicial district."

Carbon county is made a separate judicial district in the general judicial apportionment bill, and, therefore, no necessity exists for the approval of this bill.

WILLIAM A. STONE.

Veto of an Appropriation to the Wills Eye Hospital, of Philadelphia.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 18, 1901.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 810, entitled "An act making an appropriation to the Wills Eye Hospital of Philadelphia," for the reason set forth in the veto of House bill No. 707.

WILLIAM A. STONE.

Veto of an Appropriation for the Erection of a Marker or Monument to the Memory of the American Soldiers Killed at the Battle of Brandywine, and for the Purchase of the necessary Ground.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 18, 1901.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 913, entitled "An act making an appropriation for the erection of a marker or monument to the memory of the American soldiers killed at the battle of Brandywine and the purchase of the necessary ground upon which to erect the same," for the reason set forth in the veto of House bill No. 707.

WILLIAM A. STONE.

Veto of an Appropriation to the Meredith Monument Association, for the Purpose of Erecting a Monument to the Memory of General Samuel Meredith, First Treasurer of the United States.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 18, 1901.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 887, entitled "An act making an appropriation to the Meredith Monument Association for the purpose of erecting a monument to the memory of Samuel Meredith, first treasurer of the United States."

While it is true that the erection of monuments to the memory of General Meredith and other prominent

citizens of his time is justified by the place they occupy in the history of the Commonwealth, the revenue of the State will not warrant this expenditure. In addition to this there seems to be some doubt as to whether General Meredith was in fact the first treasurer of the United States.

WILLIAM A. STONE.

Veto of an Appropriation to William K. Miller, for Services Pursuant to Resolution during the Legislative Session of One Thousand Eight Hundred and Ninety-seven.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 18, 1901.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, Senate bill No. 662, entitled "An act making an appropriation to William K. Miller for services rendered by him pursuant to resolution of the General Assembly during the legislative session of one thousand eight hundred and ninety-seven."

I withhold my approval of this bill for the same reasons as set forth in my veto of a similar item in the general appropriation bill of 1899.

WILLIAM A. STONE.

Veto of an Act Authorizing the State Treasurer to Refund unto the Estate of Martin L. Lerch the Amount of Collateral Inheritance Tax Overpaid by Him.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 18, 1901.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, House bill No. 561, entitled "An act authorizing the State Treasurer to refund unto the estate of Martin L. Lerch the amount of collateral inheritance tax overpaid him as one of the executors of the estate of John Lutz, deceased," for the same reasons as set forth in my veto message of House bill No. 556.

WILLIAM A. STONE.

Veto of a Joint Resolution Providing That the Furniture Contained in the Offices of the President pro tempore of the Senate and the Speaker of the House of Representatives be Placed at the Disposal of these officers aforesaid.

Commonwealth of Pennsylvania,
Executive Department,
Harrisburg, Pa., July 18, 1901. '

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, concurrent resolution from the Senate and House of Representatives providing that the furniture contained in the offices of the President pro tempore of the Senate and the Speaker of the House of Representatives be placed at the disposal of the respective officers aforesaid.

The courtesy of the members of the Senate and House of Representatives have led them in this instance beyond precedent by placing at the disposal of the Speaker and the President pro tempore the furniture contained in their offices. My attention has been called to this resolution by Senator Snyder, President pro tempore and Speaker Marshall, of the House, and at their request I withhold my approval from this resolution.

WILLIAM A. STONE.

Veto of a Joint Resolution Providing for the Publication of Twenty Thousand Copies Each of "A Course in Nature Study for Use in the Public Schools," and "Nature Study Reference Library."

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 18, 1901.

I FILE HEREWITH, WITH MY OBJECTIONS, IN the office of the Secretary of the Commonwealth, concurrent resolution from the Senate and House of Representatives, providing for the publication of twenty thousand copies each of Bulletin No. 63, "A Course in Nature Study for Use in the Public Schools," and Bulletin No. 64, "Nature Study Reference Library," on account of insufficient State revenue.

WILLIAM A. STONE.

Proclamation of Vetoes, 1901.



IN THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania, Executive Department.

A PROCLAMATION.

I, William A. Stone, Governor of the Commonwealth of Pennsylvania, have caused this Proclamation to issue, and in compliance with the provisions of article four, section fifteen of the Constitution thereof, do hereby give notice, that I have filed in the Office of the Secretary of the Commonwealth, with my objections thereto, the following bills passed by both Houses of the General Assembly/viz:

House bill No. 71, entitled "An act to qualify a libellant in an action of divorce to be a competent witness to all matters material in the issue, where there has been personal service of the subpoena, as well as in all cases pending, where there have been two returns of subpoenas of non est inventus by the sheriff, and due notice to the respondent by publication, as required by law and the rules of the respective courts."

Senate bill No. 174, entitled "An act authorizing and directing the county commissioners of the several counties in this Commonwealth to take, maintain and assume control of township and borough bridges over forty feet in length; providing for the rebuilding of any bridges which may be destroyed, and the building of new bridges."

House bill No. 572, entitled "An act granting a pension to Lydia S. Whitley, widow of William A. Whitley, deceased, a private in Company K, Thirty fifth Regiment, Pennsylvania State Militia."

House bill No. 620, entitled "An act to provide for the relief of indigent Union soldiers, sailors and marines, and the indigent wives, widows and minor children of indigent and deceased Union soldiers, sailors or marines."

House bill No. 407, entitled "An act to amend section one of an act, entitled 'An act to regulate the sale of butter produced by taking original packing stock and other butter and melting the same, so that the butter oil can be drawn off, mixed with skimmed milk or other material, and by emulsion or other process produce butter, and butter produced by any similar process and commonly known as 'boiled' or 'process' butter; providing for the enforcement thereof, and punishment for the violation of the same,' approved the fourth day of May, Anno Domini one thousand eight hundred and ninety-nine."

House bill No. 752, entitled "An act to authorize the Auditor General to re-settle the bills for advertising the mercantile appraisers' lists for the year one thousand nine hundred, in certain cases."

House bill No. 574, entitled "An act to amend section one of an act, entitled "An act to provide for the appointment of inspectors by the Governor for cities of the first and second class of this Commonwealth to inspect scales, weights and measures, and providing for their compensation,' approved the twenty-sixth day of June, Anno Domini one thousand eight hundred and ninety-five."

House bill No. 627, entitled "An act regulating the collection of county taxes in the cities of the third class of this Commonwealth."

Senate bill No. 555, entitled "An act to confer upon residents of this Commonwealth the like exemption from lien, levy and sale of their property, on judgments obtained here for causes of action arising or investments made elsewhere, as is allowed by the

homestead or exemption laws of the State, Territory or country where the cause of action arose or the investment was made to citizens thereof."

Senate bill No. 395, entitled "An act authorizing County Commissioners to divide wards containing seven thousand or more inhabitants in cities of the third class into assessment districts, and providing for the appointment of county assessors therefor."

House bill No. 673, entitled "An act making an appropriation to the Horn and Brennan Manufacturing Company of Philadelphia."

House bill No. 821, entitled "An act making an appropriation to the Trustees of the State Institution for Feeble Minded at Polk, to pay for work done and services rendered by the architect in the furnishing and equipping said Institution."

House bill No. 811, entitled "An act making an appropriation for the expenses of the State Board of Agriculture."

House bill No. 908, entitled "An act making an appropriation to the Trustees of the State Institution for Feeble Minded of Western Pennsylvania for the purchase of a tract of land adjoining land of the Commonwealth of Pennsylvania on which the State Institution for Feeble-Minded of Western Pennsylvania is situated."

House bill No. 707, entitled "An act making an appropriation to the Kensington Hospital for Women at Philadelphia."

House bill No. 744, entitled "An act making an appropriation to the Philadelphia Society for Organizing Charity for the maintenance of the Wayfarers' Lodges operated by that Society."

House bill No. 825, entitled "An act making an appropriation to the Home of Industry for discharged Prisoners of the City of Philadelphia."

House bill No. 718, entitled "An act making an ap-

propriation to the Berean Manual Training and Industrial School."

House bill No. 726, entitled "An act making an appropriation to the Chambersburg Industrial Kindergarten and Business School for Colored Children at Chambersburg, Franklin County, Pennsylvania."

House bill No. 869, entitled "An act making an appropriation to the House of Good Shepherd of Philadelphia."

House bill No. 911, entitled "An act making an appropriation to Avery College of Allegheny City."

House bill No. 914, entitled "An act making an appropriation to the Philadelphia German Protestant Home for Aged at Philadelphia."

House bill No. 754, entitled "An act making an appropriation to the Friends' Home for Children of Philadelphia."

House bill No. 918, entitled "An act making an appropriation to the Florence Crittenden Home in the City of Erie, Pennsylvania."

House bill No. 851, entitled "An act making an appropriation to the Home of the Good Shepherd of Allegheny."

House bill No. 795, entitled "An act making an appropriation to the North Pennsylvania General Hospital and Sanitarium in the borough of Austin."

House bill No. 790, entitled "An act making an appropriation to the Trustees of the Waynesburg Hospital, Greene county."

House bill No. 897, entitled "An act making an appropriation to Saint Joseph's Hospital in the City of Reading."

House bill No. 907, entitled "An act making an appropriation to the Taylor Hospital in the City of Scranton."

House bill No. 840, entitled "An act making an appropriation to Elk County General Hospital."

House bill No. 837, entitled "An act making an appropriation to the Woman's Southern Homoeopathic Hospital of Philadelphia."

House bill No. 882, entitled "An act making an appropriation to the Garretson Hospital of Philadelphia."

House bill No. 674, entitled "An act making an appropriation to the West Philadelphia Hospital for Women."

House bill No. 119, entitled "An act detaching the county of Carbon from the Forty third Judicial District, and erecting the same into a separate Judicial District."

House bill No. 810, entitled "An act making an appropriation to the Wills Eye Hospital of Philadelphia."

House bill No. 913, entitled "An act making an appropriation for the erection of a marker or monument to the memory of the American soldiers killed at the Battle of Brandywine, and the purchase of the necessary ground upon which to erect the same."

House bill No. 887, entitled "An act making an appropriation to the Meredith Monument Association for the purpose of erecting a monument to the memory of General Samuel Meredith, first Treasurer of the United States."

Senate bill No. 662, entitled "An act making an appropriation to William K. Miller, for services rendered to him pursuant to resolution of the General Assembly, during the Legislative session of one thousand eight hundred and ninety-seven."

House bill No. 561, entitled "An act authorizing the State Treasurer to refund unto the estate of Martin L. Lerch the amount of collateral inheritance tax overpaid by him as one of the executors of the estate of John Lutz, deceased."

House bill No. 556, entitled "An act to authorize the State Treasurer to refund to the executors of the es-

tate of Lemuel Coffin late of the city of Philadelphia deceased certain collateral inheritance tax erroneously paid into the State Treasury upon satisfactory proof of such error."

House bill No. 550, entitled "An act authorizing and directing the State Treasurer to return and refund to Frank Staley, executor of the last will and testament of Julia C. Stout, deceased, an overpayment made by him of collateral inheritance tax."

House bill No. 540, entitled "An act making an appropriation to Charles H. Kneely for lumber used and destroyed by the Twelfth (12th) Regiment of the National Guard of Pennsylvania during the autumn of one thousand eight hundred and ninety-seven at Hazleton, Pennsylvania."

House bill No. 525, entitled "An act making an appropriation to the estate of Edgar L. King, deceased, for services rendered by him pursuant to the resolutions of the General Assembly during the legislative session of one thousand eight hundred and ninety-seven."

House bill No. 741, entitled "An act making an appropriation to carry into effect the act of June 26th, 1895, entitled "An act to provide for the appointment of inspectors by the Governor for the cities of the first and second class of this Commonwealth to inspect scales, weights and measures and providing for their compensation, approved the 26th day of June, 1895."

House bill No. 773, entitled "An Act to provide for an Associate Judge of the separate Orphans' Court of the county of Allegheny."



ty-sixth.

Given under my hand and the Great Seal of the State at the City of Harrisburg, this twenty-sixth day of July, in the year of our Lord one thousand nine hundred and one, and of the Commonwealth the one hundred and twenty-sixth.

WILLIAM A. STONE.

By the Governor:

W. W. Griest,

Secretary of the Commonwealth.

Proclamation of a Day of Prayer for the Restoration
to Health of President William McKinley.

Pennsylvania, ss:



IN THE NAME AND BY THE Authority of the Commonwealth of Pennsylvania, Executive Department.

A PROCLAMATION.

While the President lies at death's door, stricken by the hand of an assassin, in our great calamity we can turn to no one but God, who alone is able to restore the President to health and bring comfort to this suffering people.

I, therefore, William A. Stone, Governor of the Commonwealth of Pennsylvania, do respectfully recommend that to-morrow, September 8, 1901, the people of Pennsylvania repair to their several places of worship and offer prayer to Almighty God for the restoration to health of William McKinley, President of the United States.



Witness my hand and the great seal of the Commonwealth of Pennsylvania, this seventh day of September, 1901.

WILLIAM A. STONE.

By the Governor:

W. W. Griest,

Secretary of the Commonwealth.

Proclamation of a Day of Prayer on Account of the Death of President McKinley.

Pennsylvania, ss:



IN THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania, Executive Department.

A PROCLAMATION.

God in His infinite wisdom has seen fit to remove by death the beloved and honored Chief Magistrate of our nation in the midst of his official career of unexampled peace, prosperity and good will.

This great calamity has deprived us of one of the best Presidents this country has ever had, and the people deeply feel this sudden and unexpected loss.

As one voice the sympathy of the nation has gone out to comfort the bereaved wife.

Humbly submitting to the will of the Divine Ruler, and in order that proper respect may be paid to the memory of William McKinley, late President of the United States, and that we may be led to supplicate divine grace as well as bow in recognition of divine sovereignty,

I, William A. Stone, Governor of the Commonwealth of Pennsylvania, do hereby appoint Sabbath, September 15th, 1901, as a day of prayer, and recommend that the people assemble in their respective places of worship on that day to unite in their prayers to Almighty God for the welfare of the nation and its rulers, and that the grief of those who mourn may be comforted.



Witness my hand and the great seal of the Commonwealth of Pennsylvania at Harrisburg, this fourteenth day of September in the year of our Lord one thousand nine hundred and one and of the Commonwealth the one hundred and twenty-fifth.

WILLIAM A. STONE.

By the Governor:

W. W. Griest,

Secretary of the Commonwealth.

Proclamation of a Day of Mourning and Prayer on Account of the Death of President William McKinley.

Pennsylvania, ss:



IN THE NAME AND BY THE Authority of the Commonwealth of Pennsylvania, Executive Department.

A PROCLAMATION.

As a fitting tribute to the memory of William McKinley, late president of the United States, whose untimely death has caused such deep sorrow throughout the world, and in accordance with the proclamation

of the President of the United States, I, William A. Stone, Governor of the Commonwealth of Pennsylvania, do appoint Thursday, September 19, the day upon which the body of the dead President will be laid at rest, as a day of mourning and prayer throughout the State.

I recommend that the people of Pennsylvania do on that day suspend the pursuit of all vocations and assemble in their respective places of worship, there to render their full measure of reverence and love to the President whose death has brought such deep grief to our nation.



fifth.

Given under my hand and the great seal of the State at Harrisburg this sixteenth day of September in the year of our Lord, one thousand nine hundred and one, and of the Commonwealth the one hundred and twenty-

WILLIAM A. STONE.

By the Governor:

W. W. Griest,

Secretary of the Commonwealth.

Proclamation of a Day of Thanksgiving, 1901.



IN THE NAME AND BY
the authority of the Com-
monwealth of Pennsylva-
nia, Executive Department.

A PROCLAMATION.

In conformity with a custom long prevailing and following the Proclamation of the President of the United States, who has set apart a day of praise and

thanksgiving to Almighty God for the manifold blessings with which the past year has been crowned,

I, William A. Stone, Governor of the Commonwealth of Pennsylvania, do hereby name

Thursday, November 28th
as a day of thanksgiving and prayer.

The first thanksgiving of the new century brings with it abundant reasons for gratitude to the Giver of all good, notwithstanding the fact that the nation rests under a dark cloud of bereavement. We deplore the death of that great and good man, William McKinley. His cruel assassination has shocked the people of this country. It is earnestly hoped that wise laws will be passed that will prevent similar calamities.

While we mourn the loss which has fallen upon us, we have countless reasons for rendering sincere thanks. Our fields have been crowned with abundant harvests. We have been blessed with great prosperity. We have been free from pestilence. There has been peace within our borders.

For the tranquility and plenty with which we have been blessed, I hereby call upon the people of the Commonwealth to cease their ordinary avocations and to assemble in their respective places of worship on the day named, there to render devout thanks to Almighty God for His unspeakable goodness and to supplicate a continuation of His favor.



Given under my hand and the Great Seal of the State at the City of Harrisburg, this seventh day of November, in the year of our Lord, one thousand nine hundred and one, and of the Commonwealth the one hundred and twenty-sixth.

WILLIAM A. STONE.

By the Governor:

W. W. Griest,

Secretary of the Commonwealth.

Proclamation of the Election of H. Burd Cassel a Representative of Pennsylvania in the Congress of the United States.



I N THE NAME AND BY AUTHORITY of the Commonwealth of Pennsylvania, Executive Department.

A PROCLAMATION.

Whereas, in and by an Act of the General Assembly, entitled "An act relating to the elections of this Commonwealth," approved the second day of July, Anno Domini one thousand eight hundred and thirty-nine, it is made the duty of the Governor, upon receipt of the returns of the election of Members of the House of Representatives of the United States by the Secretary of the Commonwealth, to declare by proclamation the names of the persons returned as elected in the respective Districts.

And whereas, by the death of the Honorable Marriott Brosius, who was elected to represent the Tenth Congressional District, composed of the County of Lancaster, in the House of Representatives of the United States, a vacancy now exists in said District for the Fifty-seventh Congress;

And whereas, a special election for member of the House of Representatives of the United States was held in the said Tenth Congressional District on Tuesday the Fifth day of November, A. D. 1901, to fill said vacancy;

And whereas, the returns of said special election held on Tuesday, the fifth day of November, A. D. 1901, for Representative of said District in the House of Representatives of the Fifty-seventh Congress of the United States for the term for which the said the Honorable Marriott Brosius, deceased, was elected, have

been received at the office of the Secretary of the Commonwealth, agreeably to the provisions of the above recited Act of the General Assembly, whereby it appears that in the Tenth Congressional District, composed of the county of Lancaster, H. Burd Cassel has been duly elected;

Now therefore, I, William A. Stone, Governor of said Commonwealth, do issue this my proclamation, hereby publishing and declaring that H. Burd Cassel has been returned as duly elected in the Tenth Congressional District as Representative in the House of Representatives of the United States, for the term for which the Honorable Marriott Brosius, deceased, was elected in the Fifty-seventh Congress.



Given under my hand and the Great Seal of the State at the City of Harrisburg, this twentieth day of November in the year of our Lord one thousand nine hundred and one, and of the Commonwealth the one hundred and twenty-sixth.

WILLIAM A. STONE.

By the Governor:

W. W. Griest,

Secretary of the Commonwealth.

Proclamation of McKinley Day.



IN THE NAME AND BY the authority of the Commonwealth of Pennsylvania, Executive Department.

A PROCLAMATION.

To the People of Pennsylvania:—

The Governor of Ohio has by public proclamation called attention to the McKinley National Memorial Association, organized for the purpose of raising a fund for the erection of a suitable monument at the grave of William McKinley, and has recommended that the people of Pennsylvania be given an opportunity to contribute to this fund.

The citizens of Pennsylvania, who have so richly profited by his life work, owe a great debt to William McKinley, and the response to the invitation of the McKinley National Memorial Association should be prompt and liberal.

I, therefore, heartily join with the Governor of Ohio in suggesting that Wednesday, January 29, the fifty-ninth anniversary of the birth of William McKinley, be observed by all the schools of the State as "McKinley Day" and that on the Sunday preceding the 29th of January special memorial exercises be held in all our churches. I also suggest that an opportunity be then given in both schools and churches to those who desire to aid this work.

Each contributor is requested to give his name and postoffice address so that a suitable memorial receipt may be returned therefor by the association.



Contributions may be sent direct to Mr. Myron T. Herriek, treasurer, Cleveland, Ohio, or if sent to Mr. Thomas Dolan, Philadelphia, or Mr. William McConway, Pittsburg, trustees of this association, they will be promptly forwarded.

WILLIAM A. STONE,
Governor.

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